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REPORTS

ON

CRIMINAL JUSTICE IN BURMA

FOR

THE YEAR 1892.

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RANGOON:

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1893.

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RESOLUTION

ON THE

REPORTS ON CRIMINAL JUSTICE IN BURMA

FOR

THE YEAR 1892.

Extracts from the proceedings of the Chief Commissioner, Burma, in the Judicial Department, No. 3C.-1, dated the 24th September 1893.

READ—

Reports by the Judges of the Special Court, the Recorder of Rangoon, and the Judicial Commissioners, Lower and Upper Burma, on the Administration of Criminal Justice in Burma during the year 1892.

LOWER BURMA.

RESOLUTION.—The total number of cases reported in the year 1892 was 46,758, being 1,291 cases less than in 1891; 1,087 cases were rejected under section 203 of the Criminal Procedure Code, and 1,708 were declared false, leaving 43,963 true cases against 44,528 in the previous year. The Rangoon Town returns for the first time show the number of complaints rejected and cases struck out. In both categories the figures are large, but the summary rejection of unfounded complaints should be a check to malicious and frivolous accusations. It is to be noted that there was a material decrease in acquittals and these two facts indicate that the Magistrates now take more pains to check false cases at an early stage. Cases brought to trial increased from 38,755 in 1891 to 39,638 in 1892. There was a marked increase in the number of murders which rose from 135 true cases in 1891 to 180 in 1892. True cases of theft increased from 9,381 to 10,072, and of dacoity and robbery from 390 to 474. Cattle-thefts, outside Rangoon, increased from 2,080 to 2,305 true cases. A discussion of the causes of these increases and their local distribution finds a more convenient place in the Resolution on the Police Report. Here it suffices to notice that on the whole there was an increase outside Rangoon of 149 true cases under the Indian Penal Code and a decrease of 883 cases under other laws. The decrease of offences against special and local laws is due chiefly to the trial since March 1892 of cases under the Embankment Act by village headmen empowered under the Lower Burma Village Act. In Akyab and Bassein the special excise establishments disappointed expectation and there was an unsatisfactory decrease in prosecutions under the Opium and Excise Acts. The Officiating Chief Commissioner also concurs in the remarks of the Deputy Commissioner, Akyab, regarding Municipal prosecutions. In the matter of vaccination especially stricter enforcement of the law is much required in Akyab.

Cases reported.

2. The Judicial Commissioner reports that the check register which was intended to minimise discrepancies between the Police and Magisterial returns was generally successful and moreover fulfilled its subsidiary purpose of preventing the police from burying undetected cases in premature

Comparison between figures in the Criminal Justice and Police Reports.

oblivion. It appears, however, that the aggregate number of offences reported according to the Criminal Justice Report amounts to 46,758, while the Police Report gives a total of 44,295 only.

The following table shows the variations under the main heads:—

	Criminal Justice report.	Police report.	Difference.
Murder	185	198	13
Attempt at murder	16	15	1
Culpable homicide	35	30	5
Grievous hurt	515	499	16
Dacoity	251	176	75
Robbery	273	269	4
Cattle-theft	2,433	2,412	21

The Chief Commissioner will be obliged if the Judicial Commissioner will communicate with the Inspector-General of Police with a view to achieving better results next year.

Disposal of cases

3. The cases disposed of by the Courts numbered 39,514 against 38,837 in 1891. The number of persons accused was 66,577, of whom District Magistrates tried 2,415, Honorary Magistrates 9,464, and subordinate Stipendiary Magistrates 54,400. The last mentioned class of Magistrates absorbed all the extra work, District Magistrates and Honorary Magistrates having respectively tried 290 and 733 cases less than in the previous year. As in 1891, the Deputy Commissioner of Prome had more business than any other District Magistrate, as he adopted the laudable practice of trying himself serious cases of cattle-theft. In the Akyab, Thayetmyo, Henzada, Thôngwa, Amherst, Toungoo, and Mergui districts the work of Deputy Commissioners decreased considerably. In Kyaukpyu and Tharrawaddy there were noticeable increases. At Akyab, Bassein, Henzada, Yandoon, and Prome there was a considerable diminution in the number of cases tried by Honorary Magistrates. In Henzada the decrease is attributed to the trial of embankment cases by headmen and in Akyab to the necessity of allotting cases to stipendiary third class Magistrates in training. Care should be taken to provide Honorary Magistrates with sufficient work. It cannot be expected that private gentlemen will continue to take an interest in magisterial work if there is frequently nothing for them to do. At Pegu the work of Honorary Magistrates increased and is well reported of by the Deputy Commissioner. There were some complaints about delays in the Courts of the two Assistant Magistrates in Rangoon, but the number of persons tried by these officers was actually 649 less in 1892 than in the previous year. The Chief Commissioner believes that the accumulation of arrears in the two Courts was principally due to the remissness of an officer who has since been transferred and that the necessity for an additional magistrate is by no means demonstrated. The proportion of persons convicted to persons tried fell from 61·85 to 60·89 per cent. There was a slight improvement in the Bassein and Thôngwa districts, but the percentages, namely, 52·44 and 54·98, are still low. The Chief Commissioner will be glad to know the result of the enquiries ordered in paragraph 3 of last year's Resolution. In Akyab, which for 1892 shows the lowest proportion of convictions, enquiry is also needed; the percentage has fallen from 59·74 in 1890 to 52·23 in 1892. The Commissioner of Arakan is requested to report on the reason for this deterioration.

4. Outside Rangoon the number of proceedings in which security for good behaviour was demanded fell from 2,691 to 1,781 and the number of persons eventually ordered to furnish security declined from 1,953 to 1,249. The decrease was no doubt due to the orders of the late Judicial Commissioner regarding the evidence to be required in instituting such cases. This being so, it was to be expected that the proportion of convictions would materially rise, but in point of fact it fell from 75 to 72 per cent. The proportion of convictions in Akyab, Kyaukpyu, Pegu, and Shwegyin which in 1891 fell below 70 per cent. is still lower this year. Bassein shows no improvement; Sandoway, Thôngwa, Tavoy, and Toungoo also gave unsatisfactory results. The working of the preventive law continues to be the least satisfactory portion of the judicial system.

Preventive Law.

5. The statistics of sentences do not materially differ from those of the previous year. The number of persons punished outside Rangoon fell from 29,210 to 29,109. Sentences of whipping outside Rangoon decreased from 1,470 to 1,447 and from 5·03 to 4·97 of the total. For reasons given in last year's Resolution the Chief Commissioner would like to see whipping more freely resorted to in lieu of short sentences of imprisonment. It is not possible to gather from the returns whether short sentences of imprisonment increased outside Rangoon, but in Lower Burma as a whole sentences for not more than fifteen days rose from 697 to 725 and sentences for not more than six months from 4,486 to 4,741. Mr. Fryer suggests that the Judicial Commissioner should call Magistrates' attention to this matter. In Rangoon the number of sentences of whipping increased from 359 to 416 and the percentage from 4·1 to 4·5, but there is probably room for a further use of this kind of penalty. It appears from Part IV of Statement 5A, that the proportion of whippings awarded to punishments in cases in which whipping might have been awarded fell from 25 to 23 per cent. in the whole of Lower Burma. The total amount of the fines imposed was Rs. 4,09,832 and Rs. 3,35,126 were realized during the year. The percentage of realizations outside Rangoon decreased, and Mr. Fryer cannot say that the new register of fines appears to have done any good. A smaller amount of fines was struck off as unrealizable, but in the absence of further information this circumstance affords no ground for satisfaction. The realizations in Rangoon showed a satisfactory improvement from Rs. 48,179 to Rs. 53,927. There was a considerable increase in severe sentences. Capital sentences increased from 34 to 52 and sentences of transportation from 312 to 385. Long sentences of imprisonment (*i.e.*, those above two years) fell from 841 to 758, but as the number of persons convicted and referred to the Sessions Judges under Deputy Commissioners' special powers fell by 13 only, and as the number of imprisonments awarded by Sessions Courts rose from 318 to 370, the decrease must be attributed to the imposition of fewer cumulative sentences by subordinate Magistrates and of fewer sentences of four years' imprisonment or less by District Magistrates.

Sentences.

6. The increase in severe sentences above mentioned is a sign of heavier work in the Sessions Courts. It is found that 449 cases involving 968 persons were committed to the Courts of Session during 1892 against 387 cases and 741 persons in the previous year. The percentage of convictions to persons disposed of was 60·02, a proportion

Sessions Courts.

almost the same, and as unsatisfactory as in the previous year. The percentage of convictions was lowest in the Irrawaddy division, where it fell from 58·83 to 53·28. The district of Bassein is mainly responsible for this result owing to the careless manner in which cases were committed by some Magistrates and prosecuted by the Police and Government Prosecutor. The Chief Commissioner requests that the Commissioner will report what steps have been taken to remedy this serious evil. In the Irrawaddy and Pegu divisions, where the Sessions work is heaviest, there were 168 and 164 cases respectively. The majority of the cases in these divisions was tried by the Additional Sessions Judge who disposed of 523 out of 694 persons concerned. The Additional Sessions Judge takes the cases of seven out of eight districts, but the Commissioners have occasionally to aid him to dispose of particularly heavy assizes. The Commissioners alone would be unable to cope with the heavy Sessions work in addition to their other duties. The average duration of Sessions cases was 42 days against 38 in 1891. The highest duration was in the Pegu and Irrawaddy divisions and is ascribed to the fact that the Additional Sessions Judge had sometimes to leave a station before finishing all the cases for disposal. The Chief Commissioner trusts that a better arrangement of business will prevent the recurrence of such delays. The Recorder of Rangoon sitting as a Court of Sessions tried 73 cases involving 108 persons, of whom only 56 were convicted. This result is as bad as in 1891. The number of persons whose cases were referred under sections 34 and 123 of the Criminal Procedure Code was 240 against 253 in the previous year and the percentage of convictions fell from 96·32 to 91·91. The attention of the Judicial Commissioner is invited to paragraph 12 of last year's Resolution and to paragraph 10 of the report of the Judicial Commissioner, Upper Burma, for 1892. Mr. Fryer will be obliged if the Judicial Commissioner can prepare a similar return for Lower Burma to show the work of District Magistrates.

Appeals.

7 The number of appeals to all classes of courts outside Rangoon fell from 3,773 to 3,661. Appeals to District Magistrates and Courts of Sessions slightly decreased. Appeals to the Judicial Commissioner which had steadily fallen off during the past five years showed an increase from 494 to 569. Of 259 persons whose appeals were disposed of by the Recorder of Rangoon, 189 or 73 per cent. were rejected; the Judicial Commissioner rejected 73 per cent. of the appeals preferred to him, and in the Special Court 35 out of 39 appellants were entirely unsuccessful. As in 1891 the Sessions Judge of Pegu had the largest number of appeals and the highest percentage of confirmations. The duration of appeals before the Sessions Judges of Irrawaddy and Tenasserim was unduly long. The Chief Commissioner notices with regret the number of cases in which the Judicial Commissioner found it necessary to differ from the Sessions Judges in references under section 374 of the Procedure Code. Revision work somewhat declined both among cases sent to, and cases called for by, the Judicial Commissioner. The sentences of 260 persons were reversed and of 213 reduced, against 506 and 152 respectively in the previous year.

Miscellaneous.

8. The new rules regulating process-serving establishments appear to have worked well and the department was supported by its fees. Mr. Fulton held the office of Judicial Commissioner, Lower Burma, till the beginning of November 1892, when Mr.

Hosking succeeded him. The Chief Commissioner has elsewhere expressed his acknowledgments to Mr. Fulton for his careful supervision of the working of the Courts. The commendations bestowed by the Judicial Commissioner on Judges and Magistrates have been noted by the Chief Commissioner.

UPPER BURMA.

Cases reported.

9. Reports of cases in Upper Burma rose from 16,234 to 18,043. Considerably more use was made of the power of summarily rejecting complaints and more cases were also struck out. True cases numbered 16,998 against 15,525 in the previous year. The increase is mainly contributed by the Northern division and may be ascribed to the progress of administration. Mr. Fryer concurs in the Judicial Commissioner's remarks regarding the rejection of complaints and the striking out of cases. True cases of murder decreased from 79 to 54, of dacoity from 172 to 119, and of robbery from 210 to 171. On the other hand, cases of housebreaking increased from 293 to 329, and of cattle-theft from 925 to 952. It must be noted that these figures do not agree with those submitted by the Inspector-General of Police, and in particular the Police returns show a decrease of cattle-theft instead of an increase. The Judicial returns show a considerable increase of cattle-theft in Shwebo, namely, from 69 to 201 cases, in Ye-u (where, however, the increase is said to be statistical only) from 8 to 45, and in the Ruby Mines from 1 to 26 cases. It is observed that the Bhamo district returns include no cattle-thefts, which is almost certainly a mistake. Dacoity, robbery, and murder increased in the Bhamo district and dacoity increased in the Ruby Mines district, but dacoity decreased to a very gratifying extent in Katha. The increase of murders in Bhamo does not agree with the Police report, where a decrease from 20 to 8 instead of an increase from 5 to 12 is exhibited. In these main heads of crime the two set of statistics should very nearly agree, and the Officiating Chief Commissioner can only conclude that further comment on inaccurate figures is wasted. The suggestion for extending the Reformatory Schools Act to Upper Burma is not brought forward for the first time, but the Paungdè Reformatory cannot hold all the lads at present sentenced, and until the new Reformatory at Insein is completed no further action can be taken. The Inspector-General of Jails will, however, be desired to report whether a juvenile ward can be provided in some Upper Burma Jail.

Disposal of cases.

10. The number of Stipendiary Magistrates rose from 182 to 191, but the third class was increased at the expense of the first and second classes. This is no doubt due to the fact that the necessities of administration no longer demand the conferment of second class powers on newly appointed magistrates. There was the same number of Honorary Magistrates as in 1891, but they tried 2,262 cases against 299 in the previous year. The Myingyan Bench did very little work owing, apparently, to mismanagement. The Magistrates dealt with 23,583 persons, convicted or committed 14,491, and acquitted 8,577. The percentage of convictions, namely, 62·82, was worse by 4·36 than in the previous year. The Commissioner of the Eastern Division observes that the falling off in convictions is largely due to the fact that police officers do not devote sufficient personal attention to the detection and investigation of cases, and that consequently all the evidence which could

have been obtained is not produced. It ought to be unnecessary to point out that a Magistrate is not to confine himself to the evidence put before him by the police. It is his duty to call and examine all witnesses whose statements are likely to throw light on the case. Minbu, Meiktila, and Pyinmana districts gave the worst results, and Katha, Ruby Mines, and Upper Chindwin the best. The suggestion to exclude compounded cases from the return, or to show them separately, will be referred to the Recorder and Judicial Commissioner, Lower Burma, for opinion. But there is no doubt that acquittals are more numerous than they ought to be, and the Chief Commissioner desires that District Magistrates will give their patient and serious attention to the matter. The working of the preventive law was no better than in 1891, but the Chief Commissioner reserves his remarks on this question until the Habitual Offenders Bill has been passed. The average duration of cases rose from 6 to 7 days in Magistrates' Courts and fell from 56 to 50 days in Sessions Courts. The district of Ye-u, in which work is light, exhibits the highest average and no explanation is given.

Sessions case.

11. Sessions Judges tried 219 persons, being 74 fewer than in the previous year. The percentage of convictions was only 64 against 77, and though it is said that some Magistrates too freely committed doubtful cases, yet careless prosecution appears to be responsible for much of the failure to secure convictions. The Chief Commissioner is obliged for the table which shows the work of District Magistrates under their special powers, from which it appears that out of 262 persons brought to trial, Deputy Commissioners finally convicted 100 themselves, convicted and referred to Commissioners 128 persons, and acquitted 34 persons. The Commissioners released four persons and reduced the sentences of eight more, while the Judicial Commissioner reversed thirteen and modified fourteen sentences. The heaviest files were in Bhamo and Katha, and in Katha acquittals were most numerous. On the whole Deputy Commissioners were by no means overburdened with this class of business.

Sentences.

12. There was a general decrease in heavy sentences consequent on the smaller number of convictions in Sessions Courts. Capital sentences (confirmed by the Judicial Commissioner) fell from 28 to 11 and sentences of transportation from 119 to 60. The Chief Commissioner notices with regret that sentences of imprisonment for not more than 15 days and whippings of not more than ten stripes increased. The former kind and degree of penalty is suitable for very few cases. A whipping of ten stripes or less is generally of no practical use, though a severer award of whipping is suitable in many cases. The Chief Commissioner agrees in Mr. Burgess' view that the average fine is still too high, but it appears to be Rs. 15-10-8 and not Rs. 21 as stated by the Judicial Commissioner. This amount is slightly lower than in the preceding year. The total amount of fines imposed was also less, being Rs. 1,62,231 against Rs. 1,75,927. The Chief Commissioner is glad to observe that the realization of fines was better than in the preceding year, but does not consider that enough compensation was granted. In theft cases, when the property is not recovered, it is proper to allow compensation to the complainant if there is anything to be got out of the thief or guilty receiver.

13. Appeals to Sessions Judges and the Judicial Commissioner naturally decreased in consonance with the decrease in serious crime. Appeals to District Magistrates rose from 62 to 97, but are still few. In four districts, Bhamo, Katha, Ruby Mines, and Upper Chindwin, there were no appeals to Deputy Commissioners, and the greatest number in Myingyan was twenty-four. The proportion of unsuccessful appeals rose from 69 to 71 per cent. in Sessions Judges and District Magistrates' Courts, but fell from 81 to 78 in the Judicial Commissioner's. The Judicial Commissioner called in revision for 1,957 cases and 185 cases were referred to him. The Judicial Commissioner reversed 212 and reduced 291 sentences and ordered 43 new trials. A substantial amount of revision work was done by Sessions Judges and District Magistrates who called for 1,201 and 1,641 cases respectively. Under the Criminal Justice Regulation, 1886, District Magistrates had power themselves to deal with the sentences of second and third class Magistrates. They exercised this power with some freedom, reducing 148, enhancing 24, and reversing 281 sentences.

Appeals.

14. The Criminal Justice Regulation, 1886, expired on the 31st December 1892 and was succeeded by the Criminal Justice Regulation, 1892. Some peculiar provisions which were no longer needed have been omitted and only in a few necessary points is there now any divergence from the Criminal Procedure Code. The Chief Commissioner has to thank Mr. Burgess, who was Judicial Commissioner throughout the year, for an interesting report and for his careful supervision of subordinate courts. The names of the officers commended by him will be noted in the Appointment Department.

Miscellaneous.

By order of the Chief Commissioner,

F. C. GATES,

Secretary.

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THE CRIMINAL JUSTICE REPORT OF LOWER BURMA FOR THE YEAR 1892.

PART I.

Courts exercising jurisdiction in the Town of Rangoon

SPECIAL COURT OF LOWER BURMA (CRIMINAL).

THE following table shows the number of persons who appealed during the year and the result :—

Court from which appeal preferred.	Pending from previous year.	Number of persons who appealed during 1892.	Result.				
			Rejected.	Dismissed and sentence confirmed.	Modified.	Reversed.	Pending.
Court of the Recorder of Rangoon exercising the powers of a Court of Sessions.	4	35	26	8	3	1	1
Court of the Judicial Commissioner exercising the powers of Original Criminal Jurisdiction.	...	1	...	1	...	...	...
Total ...	4	36	26	9	3	1	1

2. During the year 3 capital sentences, passed by the Recorder of Rangoon exercising the powers of a Court of Sessions, were referred to this Court under section 66 of the Lower Burma Courts Act, XI of 1889, for confirmation. In 1 case the sentence was modified to one of transportation for life and in the other 2 cases the sentences were confirmed.

3. Besides the above there were 8 references made to this Court by the Judicial Commissioner, Lower Burma, under section 67 of the Lower Burma Courts Act, XI of 1889, and all these were disposed of during the year.

RANGOON :
The 10th April 1893.

W. F. AGNEW,
E. HOSKING,
Judges.

Report on the Administration of Criminal Justice in the Courts of the Recorder and Magistrates of Rangoon for the year 1892.

COURT OF THE RECORDER OF RANGOON.

DURING the year 73 cases were committed to this Court as a Court of Sessions and 2 as a High Court, making in all 75 cases.

2. The following table shows the different Courts from which the commitments were made during the year in comparison with the previous year:—

By whom committed.	1891.			1892.		
	As a Court of Sessions.	As a High Court.	Total.	As a Court of Sessions.	As a High Court.	Total.
Junior Assistant Magistrate, Rangoon Town.	13	...	13	35	...	35
Assistant Magistrate, Rangoon Town	29	2	31	32	2	34
District Magistrate, Rangoon Town	...	...	...	3	...	3
Special Magistrate, Rangoon Town	...	...	...	3	...	3
Total ...	42	2	44	73	2	75

Of these, 74 cases were disposed of during the year and 1 remained pending at the close of the year.

3. The following table shows the number of persons sentenced and acquitted by this Court as a Court of Sessions and as a High Court:—

Withdrawn.	Convicted.	Reported to local Government under section 466, Criminal Procedure Code.	Acquitted.
2	56	1	51

4. The following table shows the different punishments inflicted by this Court as a Court of Sessions and as a High Court: —

	Persons sentenced to						Detail of punishment.								
	Death.	Transportation		Imprisonment.		Whipping in addition to rigorous imprisonment.	Six months and under.		Two years and under.		Seven years and under.	Above seven years.	Fine.		Acquitted or withdrawn.
		For life.	For a term.	Rigorous.	Simple.		Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Rigorous.	Amount of fine.	Amount realized.	
													Rs.	Rs.	
As a Court of Sessions ...	3	1	...	52	...	...	10	...	2	...	39	1	75	75	53
As a High Court ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total ...	3	1	...	52	...	...	10	...	2	...	39	1	75	75	53

5. There were 3 sentences of capital punishments passed by this Court on 3 persons; in 2 cases the sentences were confirmed by the Special Court and in 1 the sentence was commuted to transportation for life. There were 2 European British subjects committed to this Court as a High Court during the year. In 1 case the accused was acquitted and the other remained pending at the close of the year.

6. There were 35 appeals preferred to the Special Court during the year from the conviction and sentences of the Recorder's Court as a Court of Sessions, of which the appeals of 26 persons were rejected, 4 dismissed, 3 modified, 1 reversed, and 1 remained pending.

7. The following table shows the number of cases and persons which came before this Court on appeal together with the result:—

Magistrates from whose decisions appealed.	Number of appeals preferred, including those of last year.	Number of persons concerned.	Number of cases disposed of.	Persons whose						
				Appeals were rejected.	Appeals were confirmed.	Sentences were modified.	Sentences were enhanced.	Convictions were reversed.	Appeals were ordered to be retried.	Appeals were pending.
District Magistrate, Rangoon Town.	8	8	8	7	...	1	...	...	...	...
Assistant Magistrate, Rangoon Town.	94	112	94	74	10	11	...	14	3	...
Junior Assistant Magistrate, Rangoon Town.	112	127	111	101	7	1	...	17	...	1
Special Magistrate, Rangoon Town.	9	13	9	7	4	...	...	2	...	...
Total ...	223	260	222	189	21	13	...	33	3	1

8. The following table shows the number of cases and persons which came before this Court on revision together with the result:—

Magistrates from whose decisions applications were made.	Number of applications presented, including those pending from last year.	Number of persons concerned.	Number of cases disposed of.	Persons whose						
				Applications were rejected.	Sentences were confirmed.	Sentences were modified.	Sentences were enhanced.	Convictions were reversed.	Applications were ordered to be retried.	Applications were pending.
District Magistrate, Rangoon Town.	7	8	7	...	3	2	...	1	2	...
Assistant Magistrate, Rangoon Town.	26	37	24	8	7	3	...	4	13	2
Junior Assistant Magistrate, Rangoon Town.	18	30	18	8	10	8	...	1	3	...
Special Magistrate, Rangoon Town.	2	6	2	...	...	...	1	5	...	...
District Magistrate, Myingyan	1	1	1	...	1	...	...	...	...	...
Total ...	54	82	52	16	21	13	1	11	18	2

9. Besides the above, the Recorder on his own motion, under the provisions of section 435 of the Criminal Procedure Code, called for 65 cases of the Cantonment Magistrate's Court and 1 case of the Honorary Magistrate's Court. In 65 the convictions and sentences were set aside and the other 1 remained pending at the close of 1892.

10. There were 11 references made to this Court as a High Court under section 438 of the Criminal Procedure Code, 10 by the District Magistrate and 1 by the Assistant Magistrate, which were all disposed of during the year.

11. There were 8 miscellaneous applications made to this Court during the year, 7 of which were disposed of and 1 remained pending at the close of the year.

12. The following abstract shows the total work of the Recorder's Court for the year 1892 :—

Sessions trials	...	...	...	...	...	74
References	...	...	...	...	...	11
Appeals	...	...	...	...	...	222
Revisions	...	...	...	...	..	118
Miscellaneous	...	...	...	...	...	7
				Total	...	432

as against 309 of all kinds in 1891.

THE MAGISTRATES' COURT.

13. The subjoined table shows the number of offences, bailable and non-bailable, during the year and the number of persons brought to trial, convicted, and acquitted as compared with last year :—

Year.	Number of offences reported.			Complaint dismissed under section 203, C.P.C.	Other cases struck off as false.	Balance returned as true.	Brought to trial during the year.	Under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial at the close of the year.	Committed.	Referred.
	Non-bailable.	Bailable.	Total.											
1891 ...	1,799	8,210	10,009	...		8,961	8,961	14,435	5,395	8,753	1	215	70	1
1892 ...	1,607	8,499	10,106	500	473	9,133	9,133	14,056	4,357	9,290	4	302	103	...
Increase ...	...	289	97	...	...	169	169	...	...	537	3	87	33	...
Decrease ...	192	..	...		..		...	379	1,038	...	...			1

14. The District Magistrate says that the decrease in acquittals and increase in convictions may be taken to mean better work and more attention paid to the provisions of section 203, Criminal Procedure Code, than was done within the past few years. The District Magistrate is unable to explain why bailable cases have increased and non-bailable cases decreased.

15. The following table shows the fluctuation of grave crimes reported for the last few years :—

Year.	With violence					Without violence.		
	Against the person.				Against property.			
	Murder, under sections 302 and 307, I. P. C.	Grievous hurt.	Hurt.	Total.		Theft.	Others.	Total.
1886 ...	9	15	188	212	9	908	82	940
1887 ...	12	12	416	440	10	985	49	1,084
1888 ...	9	32	423	464	15	944	77	1,021
1889 ...	15	20	250	285	28	974	78	1,052
1890 ...	7	15	253	275	12	888	83	971
1891 ...	11	25	240	276	11	1,550	80	1,630
1892 ...	6	26	274	306	8	1,314	94	1,408

16. During the year there were 5 cases of murder reported against 6 in 1891; of these 4 cases were sent up and in the other case the District Magistrate says that 2 persons were arrested, but as no direct evidence could be obtained against them, they were released without trial. The District Magistrate observes that attempts at murder have decreased by 4, there being only 1 in 1892 in which the accused was sent up and convicted. Grievous hurt increased from 25 to 26; 1 case was sent up under grievous hurt originally, but was ultimately treated as simple hurt, and out of 31 persons concerned, only 2 were committed to the Sessions, while the others were disposed of by the Magistrates. The numbers shown under hurt cases were most of them under section 323, Indian Penal Code.

Theft cases have decreased from 1,550 to 1,314; of these 2 were cases of cattle-theft; 1 was sent up, the other remained pending at the close of the year.

17. The following table deals with less serious crime :—

Year.	Assault.	Insult.	Creating disturbance.	Nuisance Act V.	Breach of local rules.	Drunk and disorderly.	All others.	Total.
1886 ...	988	861	7	2,101	2,222	1,051	741	7,471
1887 ...	619	862	...	2,172	1,649	1,498	1,116	7,416
1888 ...	637	817	4	1,841	2,038	1,828	1,077	7,242
1889 ...	752	890	10	2,471	2,600	1,700	1,459	9,882
1890 ...	851	808	13	1,808	2,918	1,170	596	7,659
1891 ...	966	276	30	1,988	2,467	1,045	785	7,507
1892 ...	652	324	10	2,040	2,710	1,265	729	7,730

18. This statement does not call for any special remark.

19. The following table deals with the more serious offences for the last few years :—

Year	WITH VIOLENCE										WITHOUT VIOLENCE.					
	AGAINST THE PERSON.								AGAINST PROPERTY		*Thefts.*		*Others.*		*Total.*	
	Murder.		*Grievous hurt.*		*Hurt*		*Total.*									
	Reported.	Brought to trial.	Reported.	Brought to trial.	Reported.	Brought to trial.	Reported.	Brought to trial.	Reported.	Brought to trial.	Reported.	Brought to trial.	Reported.	Brought to trial.	Reported.	Brought to trial.
1886 ...	9	8	15	12	188	184	212	204	9	6	908	570	32	32	940	611
1887 ...	12	12	12	8	416	401	440	421	10	10	985	660	49	49	1,034	720
1888	9	9	32	18	423	420	464	447	15	13	914	685	77	50	1,021	735
1889	15	11	20	9	250	244	285	264	23	19	974	813	78	47	1,059	860
1890	7	6	15	15	253	215	275	236	12	11	888	794	83	74	971	868
1891 ...	11	11	25	24	240	240	276	275	11	8	1,550	872	80	64	1,630	936
1892	6	5	26	26	274	236	306	267	8	7	1,314	878	94	81	1,408	959

20. The following statement shows the statistics of violent crimes in greater detail:—

Offences.	Offences reported.		Offences brought to trial.		Persons convicted or committed.	
	1891.	1892.	1891.	1892.	1891.	1892.
Murder	6	5	6	4	7	6
Attempt at murder	5	1	5	1	4	3
Culpable homicide	1	2	1	1	1	3
Grievous hurt	25	26	24	26	18	14
Hurt	183	180	183	146	70	142
Hurt with dangerous weapon ...	57	94	57	90	35	36
Total ...	277	308	276	269	135	204

21. There were 5 murder cases committed in the year under report; of these 4 were brought to trial.

Of 146 simple hurt cases 142 were convicted.

Of the 94 cases reported under hurt with dangerous weapon, 90 cases were brought to trial and 36 persons were convicted.

22. The following table shows the number of offences against property with violence as compared with the previous year:—

Nature of offences.	Offences reported.		Offences brought to trial.		Persons convicted or committed.	
	1891.	1892.	1891.	1892.	1891.	1892.
Dacoity	1	2	1	1	7	8
Robbery	11	16	8	13	6	18
Extortion	11	8	9	8	4	2
Total ...	23	26	18	22	17	23

23. Two cases of dacoity were reported during the year; one case was struck out as false and the other brought to trial, in which 3 persons were concerned. This case was committed to the Court of Sessions; 2 persons were convicted and 1 was acquitted. Of the 16 cases of robbery reported during the year, in all arrests were made. In one case 3 persons were arrested and released without trial, and 2 cases were struck off as false.

The District Magistrate says that he has already remarked in the quarterly Violent Crime Report that as regards the Magyidan dacoity he feels sure the men, one of whom confessed, were the right men in spite of the acquittal. Many of the robberies, although reported as such, are nothing more than petty assaults, such as a slight blow with snatching from the person.

24. The following statement shows the statistics of violent crimes in greater detail:—

Offence.	Offences reported.		Offences brought to trial.		Persons convicted or committed.	
	1891.	1892.	1891.	1892.	1891.	1892.
House-breaking with theft ...	40	28	40	28	39	17
Theft	1,550	1,814	872	878	672	691
Receiving stolen property ...	25	31	25	31	37	33
Total ...	1,615	1,873	937	937	748	741

25. There was a decrease of 236 theft cases as compared with the previous year.

26. The following table shows the work performed by the several Magistrates, the result of trials held before them, and the state of their files at the close of the year:—

Class of tribunal.	Number of persons under trial during the year.	Discharged without trial.	Acquitted or discharged.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial.	
							In custody.	On bail or recognizance.
District Magistrate, Rangoon Town ...	100	...	37	61	2	...	...	...
Assistant Magistrate, Rangoon Town ...	3,470	131	964	2,175	59	2	11	128
Junior Assistant Magistrate, Rangoon Town.	3,295	150	754	2,235	42	2	8	104
Cantonment Magistrate, Rangoon ...	1,722	45	824	1,349	...	...	...	4
Honorary Magistrates, Rangoon Town...	5,469	279	1,673	3,470	...	...	...	47
Total ...	14,056	605	3,752	9,290	103	4	19	283

27. The District Magistrate remarks that a special Magistrate to work off arrears in the Assistant Magistrate's Court, caused by an accumulation of cases due to changes in Magistrates, was appointed for a short time; work has not increased except in his Court over the previous year, but generally the Magistrates have too much to do, and that there is still too much for two Assistant Magistrates.

28. The following table shows the punishment inflicted by the different Magistrates:—

Class of tribunal.	Persons sentenced to							Amount of fines		
	Solitary confinement.	Imprisonment.		Fines.	Whipping.	Give recognizance or security to keep the peace.	Give security for good behaviour.	Imposed.	Realized.	Awarded as compensation.
		Simple.	Rigorous.							
								Rs. A. P.	Rs. A. P.	Rs. A. P.
District Magistrate, Rangoon Town	1	...	24	31	3	...	...	1,287 0 0	1,287 0 0	...
Assistant Magistrate, Rangoon Town	16	74	356	1,358	219	1	10	24,093 7 0	18,380 5 0	306 0 0
Junior Assistant Magistrate, Rangoon Town.	11	3	350	1,507	194	...	12	24,434 7 9	19,134 9 6	215 0 0
Cantonment Magistrate, Rangoon ...	...	17	14	1,316	...	...	...	4,642 14 0	4,625 14 0	354 0 0
Honorary Magistrates, Rangoon Town.	...	1	3	3,769	...	...	...	11,955 3 3	10,490 3 3	78 8 0
Total ...	28	95	747	7,981	416	1	22	66,413 0 0	53,926 15 9	1,043 8 0

29. The District Magistrate says that he has already explained in quarterly reports that it is a very difficult matter to get evidence against persons of bad livelihood in Rangoon.

30. The following table shows the detention of witnesses and the average duration of cases :—

Class of tribunal.	Number of witnesses discharged after				Average duration of cases.	
	One day.	Two days.	Three days.	More than three days.	For previous year.	For year under review.
District Magistrate, Rangoon Town	310	33	11	...	7·00	5·85
Assistant Magistrate, Rangoon Town	3,690	1,902	766	842	6·86	7·60
Junior Assistant Magistrate, Rangoon Town.	688	358	333	1,899	4·97	10·50
Cantonment Magistrate, Rangoon ...	1,321	179	43	...	2·95	2·77
Honorary Magistrates, Rangoon Town.	3,830	379	64	...	1·68	1·85
Total	9,784	2,846	1,217	2,741	...	...

31. The District Magistrate says there is no need for remark except, in the case of the Junior Assistant Magistrate's Court, the detention of witnesses, which has been more than twice as long as the year before. The delay, the District Magistrate says, was due to Maung Tun Aung being dilatory in writing judgments. He was not able to write his judgments readily in English.

32. The following is the statement of shipping casualties investigated by order of the Chief Commissioner under Act V of 1883 and Act VII of 1883 and rules framed thereunder :—

No.	Subject.
4	Relative to the grounding of the British brig *Sultan Secunder*.
8	Relative to the grounding of the S.S. *Euphrates*.
10	Enquiry into the conduct of Mr. Warwick
74	Relative to the grounding of the S S. *Fazilka*.
87	Enquiry into the conduct of Mr. E. M. Simmonds.
88	Enquiry into the conduct of Mr. R. R. Proud.
107	Relative to the grounding of the ship *Falconhurst*.

33. There were 7 cases this year against 10 in the previous year.

34. The following statement shows the Magistrates who have acted in Rangoon Town district during the year 1892 :—

Name.	Designation.	Remarks.
A. L. Hough	District Magistrate	All through the year.
J. M. T. George, I.C.S. ...	Assistant Magistrate	From 2nd January to 6th April 1892.
F. McBlaine, I.C.S.	Assistant Magistrate	From 6th April to 16th September 1892.
A. Gaitskell, I.C.S.	Assistant Magistrate ...	From 16th September to the end of the year.
Captain Thornton	Cantonment Magistrate ...	All through the year.
Maung Tun Aung	Junior Assistant Magistrate ..	From 1st January to 20th July 1892.
Maung Paw Htun	Junior Assistant Magistrate ..	From 20th July 1892 to the end of the year.
Fourteen Honorary Magistrates ...	.....	All through the year.
Lieutenant H. N. Warde ...	Special Magistrate	From 23rd May to 30th June 1892.

RANGOON :
The 12th May 1893.

W. F. AGNEW,
Recorder.

PART II.

Courts under the Supervision of the Judicial Commissioner.

From E. HOSKING, Esq., Judicial Commissioner, Lower Burma, to the Junior Secretary to the Chief Commissioner, Burma,—No. 119-37, dated the 29th May 1893.

I HAVE the honour to submit the Criminal Justice Returns of Lower Burma for the year 1892. The prescribed statements include as in previous years the district of Rangoon, but the tables entered in the report relate only to the districts subordinate to the Judicial Commissioner. The report has been delayed by the tardy submission of the explanation required of the District Magistrate, Shwegyin, to reconcile discrepancies in the figures furnished by him.

Mr. E. M. H. Fulton held the office of Judicial Commissioner till the beginning of November 1892, and I assumed charge of this office on the 4th idem.

2. The total number of offences reported and the total number of offences returned as true, as compared with the figures for the previous year, are shown below :—

Division.	Name of district.	Cases reported.		Cases rejected under section 203 of the Criminal Procedure Code.		Cases declared false or not entered as true.		True cases.		Percentage of true to reported cases.	
		1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.
ARAKAN ...	Akyab	2,487	2,529	86	58	52	473	2,349	1,998	94·45	79·00
	Kyaukpyu	992	997	17	24	13	12	963	961	96·98	96·39
	Sandoway	605	802	3	6	4	4	598	792	98·84	98·75
	Northern Arakan ...	30	39	...	1	1	2	29	36	96·67	92·31
	Total ...	4,114	4,367	106	89	70	491	3,939	3,787	95·72	86·72
PEGU ...	Hanthawaddy	2,006	1,905	81	11	63	17	1,912	1,877	95·31	98·53
	Pegu	2,487	2,174	140	18	328	26	2,019	2,130	80·82	97·98
	Tharrawaddy	2,006	2,001	19	57	62	43	2,826	2,801	97·25	96·55
	Prome	4,282	4,691	73	13	10	19	4,199	4,650	96·06	90·32
	Total ...	11,681	11,671	272	99	463	105	10,947	11,467	93·71	98·25
IRRAWADDY ...	Henzada	3,661	3,381	29	65	52	84	3,580	3,232	97·78	95·59
	Bassein	3,309	3,499	88	61	100	73	3,121	3,365	94·31	96·17
	Thôngwa	3,357	3,072	59	32	34	7	3,264	3,033	97·23	98·73
	Thayetmyo	2,340	2,095	32	24	20	10	2,288	2,001	97·78	98·38
	Total ...	12,667	12,047	208	182	206	174	12,253	11,631	96·73	97·04
TENASSERIM ...	Amherst	4,684	4,228	377	181	493	302	3,814	3,745	81·43	88·58
	Shwegyin	2,101	1,799	19	18	74	69	2,008	1,643	95·57	95·52
	Toungoo	1,444	1,506	12	2	48	40	1,384	1,464	95·84	97·21
	Tavoy	781	606	8	7	54	36	719	563	92·06	92·90
	Mergui	452	408	3	6	25	16	403	386	89·16	94·61
	Salween ...	116	99	2	3	16	12	98	84	84·48	84·85
	Total ...	9,578	8,567	421	217	710	465	8,426	7,885	87·97	92·04
	GRAND TOTAL ...	38,040	36,652	1,007	587	1,449	1,235	35,564	34,830	93·49	95·03

The endeavour to bring into accord the Magisterial with the Police returns by the introduction from the beginning of the past year of a new check register of crime has been generally successful. The District Magistrates of Akyab and Bassein state that the measures taken against the tendency of the police not to

report undetected cases have been very effective. The District Magistrate, Hanthawaddy, notes the inclusion, for the first time, in his returns of offences reported by the Railway police. The efforts, however, to secure the closest possible agreement with the police figures have resulted in the improper inclusion in Sandoway among the reported offences of all non-cognizable complaints made at the different police stations, and the improper exclusion in Bassein of no less than 220 cases, which were ordered to be struck out of the police returns as "cases which never occurred." The total number of reported cases has decreased from 38,040 in 1891 to 36,652 in 1892.

The decrease may be accounted for by the larger number of cases tried by ywathugyis.

The following districts show a slight increase in the number of offences reported: all districts in the Arakan Division, Prome, Bassein, and Toungoo. The increase in Sandoway is nominal, being chiefly due to the double reporting above noticed.

The percentage of true to reported cases rose from 93·49 to 95·03. The variation between the last two years has generally not been great, except in the case of the Akyab and Pegu districts where it is very remarkable. In Akyab the percentage fell from 94·45 to 79, and in Pegu it rose from 80·82 to 97·98.

The District Magistrate of Akyab says that the figures for that district for the two years are useless for purposes of comparison because a large number of cases were omitted in 1891. The cases omitted appear to have been cases which the Magistrates held were civil and not criminal, and some undetected criminal cases. The District Magistrate of Pegu accounts for the change in his district as follows:—

"The decrease of cases declared false or not entered as true is due to the fact that the cases shown for 1892 are cases struck off as false by the District Magistrate, and not, as was heretofore the custom, cases struck off by all or any Magistrate, under an idea that all Magistrates in the Pegu district had been empowered to strike off cases."

The explanation given by the District Magistrate of Pegu for the increase in the percentage of true cases in his district is more satisfactory than the explanation given by the District Magistrate of Akyab for the decrease in that district. The percentage of true cases in the Akyab district is so very much below the average for the whole of Lower Burma that probably sufficient discrimination has not been shown in the Akyab district in treating cases as false or not true.

3. The following table shows true offences reported under each class in the year 1892 as compared with the previous year :—

Division.	Name of district.	Year.	Offences under the Indian Penal Code.																	Offences under special and local laws.	Total of true offences reported.	Remarks.
			Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquility, Chapter VIII.	Offences by, or relating to, public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property-marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal Intimidation, insult, or annoyance, Chapter XXII.			
Arakan.	Akyab	1891	...	...	23	10	37	57	3	5	166	...	408	613	1	1	11	8	71	933	2,349	Two abetments under Chapter V.
		1892	...	...	9	9	24	27	...	3	61	1	541	628	..	...	10	7	76	602	1,998	
	Kyaukpyu	1891	...	...	2	2	11	24	...	...	48	...	151	336	...	...	2	12	40	334	962	
		1892	...	...	6	4	10	18	...	...	35	1	153	317	...	...	7	2	42	366	961	
	Sandoway	1891	...	...	2	2	3	10	...	...	47	...	42	224	...	4	3	2	27	232	508	
		1892	...	...	...	2	5	14	...	1	26	...	144	339	1	...	1	1	45	213	792	
	Northern Arakan	1891	...	...	...	...	1	2	...	...	1	...	4	12	1	...	...	...	2	6	29	
		1892	...	...	...	2	...	...	...	...	..	...	10	13	...	...	1	1	1	8	36	
	Total ...	1891	...	...	27	14	52	93	3	5	262	...	605	1,185	2	5	16	22	140	1,505	3,938	Two abetments under Chapter V.
		1892	...	...	15	17	39	59	...	4	122	2	648	1,297	1	...	19	11	164	1,189	3,787	
Pegu.	Hanthawaddy	1891	...	...	11	6	22	17	4	...	102	2	400	673	1	...	15	3	126	530	1,912	
		1892	...	..	13	6	4	21	1	...	36	3	344	767	...	1	8	5	165	503	1,577	
	Pegu	1891	1	...	19	12	10	64	1	2	73	1	348	554	1	1	15	5	60	843	2,010	
		1892	...	...	22	10	5	63	5	1	48	4	359	721	2	...	19	4	42	825	2,130	
	Tharrawaddy	1891	...	...	30	12	16	73	4	2	104	4	330	1,202	2	...	12	2	23	1,010	2,826	
		1892	...	...	34	16	7	62	7	...	71	2	409	1,220	6	...	12	4	35	916	2,801	
	Prome	1891	...	...	48	10	4	68	4	2	214	1	611	1,631	3	...	4	11	104	1,484	4,199	
		1892	...	...	47	12	45	164	2	11	152	2	505	1,824	4	...	17	3	125	1,746	4,059	
	Total ...	1891	1	...	108	40	52	222	13	6	493	8	1,689	4,060	7	1	46	21	313	3,867	10,947	
		1892	...	...	116	44	61	310	15	12	307	11	1,617	4,532	12	1	56	16	367	3,990	11,467	
Irra-waddy.	Henzada	1891	...	...	31	35	21	33	3	1	74	3	416	1,143	...	...	17	4	136	1,663	3,590	
		1892	...	...	37	17	9	31	4	4	93	2	418	1,316	...	...	10	1	205	1,065	3,232	
	Bassein	1891	...	...	13	7	23	28	1	...	123	13	487	1,225	2	...	12	13	184	990	3,121	
		1892	...	...	21	3	8	35	1	3	91	10	553	1,394	2	...	15	11	206	992	3,965	

OFFENCES UNDER THE INDIAN PENAL CODE.

Division.	Name of district	Year.	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII.	Offences by, or relating to, public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property-marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal intimidation, insult, or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported.	Remarks.
INRAWAD-DY—coniold.	Thôngwa	1891	...	...	20	15	13	37	9	...	141	2	673	1,916	1	...	14	7	149	1,074	3,954	Two abetments under Chapter V.
		1892	...	...	39	14	49	44	9	1	68	6	600	1,086	1	...	14	10	155	944	3,033	
	Thayetmyo	1891	...	...	13	9	9	60	1	2	55	3	281	1,165	...	...	4	3	57	647	2,988	
		1892	...	...	7	4	3	46	2	...	40	3	224	1,250	2	...	2	3	21	454	2,061	
	Total	1891	...	...	76	66	66	156	7	3	393	21	1,737	4,749	3	...	47	27	506	4,371	12,953	
		1892	...	...	104	38	62	176	16	8	292	21	1,795	5,046	5	...	41	25	387	3,475	11,691	
TENASSERIM.	Amherst	1891	...	...	18	14	25	34	3	1	74	1	764	914	6	...	22	7	224	1,693	3,814	
		1892	...	...	5	4	21	24	4	1	58	2	627	668	...	...	32	27	193	2,079	3,745	
	Shwegyin	1891	...	...	23	19	16	65	1	1	89	3	346	759	...	...	21	9	151	519	2,008	
		1892	...	...	17	6	...	22	...	1	47	3	293	745	2	1	17	...	105	367	1,643	
	Tounguo	1891	...	...	2	9	6	13	2	...	45	8	196	594	...	1	10	9	75	413	1,364	
		1892	...	...	5	2	4	23	...	...	27	1	179	706	2	7	5	23	90	399	1,464	
	Tavoy	1891	...	1	4	1	8	7	...	...	20	...	236	213	...	...	6	1	73	150	719	
		1892	...	...	4	1	8	6	...	...	18	...	106	176	1	1	4	2	40	196	563	
	Mergui	1891	...	...	6	...	...	3	...	...	1	2	70	113	...	...	2	...	22	164	403	
		1892	...	...	5	...	2	2	...	...	9	...	84	139	...	...	...	...	11	134	396	
	Salween	1891	...	...	...	...	...	...	...	...	1	...	17	53	...	...	...	4	8	15	98	
		1892	...	...	...	1	1	...	...	...	1	...	9	54	...	...	1	1	8	8	84	
	Total	1891	1	1	53	43	39	122	6	2	230	14	1,535	2,646	6	1	61	30	563	2,974	8,426	
		1892	...	...	36	14	53	76	4	2	160	6	1,298	2,491	5	9	59	53	437	3,183	7,885	
GRAND TOTAL		1891	1	1	264	163	209	595	29	16	1,576	43	5,686	12,640	18	7	170	100	1,592	12,730	35,564	Two abetments under Chapter V.
		1892	...	1	271	113	214	621	35	26	861	40	5,538	13,366	23	10	175	105	1,555	11,637	34,830	
Increase		...	...	...	7	...	5	26	6	10	...	...	...	726	5	3	5	5	33	...	...	
		...	...	...	...	...	...	...	...	...	497	3	128	...	...	...	...	...	...	893	734	
Decrease		...	...	1	...	50	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	

It will be seen that there has been an increase of 119 true cases under the Indian Penal Code, and a decrease of 883 under special and local laws, making a net decrease in the total of 731 cases returned as true. A material increase is shown of offences against property, while offences affecting the public health, morals, &c., show a material, and offences affecting the human body a slight, decrease. The decrease in offences against local and special laws is due chiefly to decrease in the number of cases of trespass of cattle under the Embankment Act which are now more conveniently tried by village headmen. In Henzada during the year there was a decrease of 868 such cases.

The following districts show an increase of true offences under the Indian Penal Code: Sandoway, Northern Arakan, Hanthawaddy, Pegu, Tharrawaddy, Prome, Henzada, Bassein, Thôngwa, and Mergui; and the following districts a decrease of true cases under special and local laws: Akyab, Sandoway, Hanthawaddy, Pegu, Tharrawaddy, Henzada, Thôngwa, Thayetmyo, Shwegyin, Toungoo, Mergui, and Salween.

The Deputy Commissioner, Akyab, notices that the decrease under special and local laws is most marked in opium, excise, and municipal cases. The Commissioner of Arakan commenting on this decrease writes—

"These (Municipal) prosecutions are certainly inadequate, and I can only presume that the officers who are responsible for the due prosecution of persons who have committed breach of the Municipal rules have neglected to report cases to the Magistrate. Special steps will be taken to ensure proper action by these officers in future. It is a matter of great importance in a town like Akyab with a population of 31,959 souls within Municipal limits that offences against sanitary and other Municipal laws should be very promptly dealt with. It is very certain that this has not been done during the past year, and it is to be hoped that a very decided improvement may be observed during the present year. The fall in opium cases, 190, during the year of report against 272 during the year 1891 is most unsatisfactory and unaccountable. There is no doubt that offences against the Opium Act are committed just as freely as heretofore, and as we have recently started a special excise establishment it is disappointing to find that the detection has fallen off instead of improving. The same remarks apply to excise cases which have fallen from 128 in 1891 to 86 in 1892. In gambling cases also the falling off is remarkable: there have been only 19 cases during the year of report against 47 cases in 1891."

The Deputy Commissioner, Bassein, makes the following remarks:—

"In the previous year a great rise (in offences against local and special laws) was shown, especially in excise cases, owing to the new staff. Last year excise cases fell again by 39 and convictions by 34. This is not the first occasion in my experience in which a district excise staff on the present system may begin well, but gradually ends by doing little or nothing. I am beginning seriously to consider whether that stage has not already been reached in Bassein. If so, abolition is the only course. Similarly opium cases have fallen by 24 and convictions by 21. At the same time neither opium nor excise cases have fallen to the figures of 1890."

The Deputy Commissioner of Toungoo attributes the decrease in opium cases from 41 to 21 cases in his district to the ruling of Mr. Fulton in Queen-Empress *versus* Nga Chan E (Selected Judgments, page 597) that where an accused person gives a reasonable explanation about his possession of opium which, if true, would be deemed a satisfactory account of such possession and there is no evidence to show that his statement is false, the burden of proof does not fall upon him.

4. The annexed tables show in a collected form the principal offences against the person and against property for the two past years.

Offences affecting the human body.

Offences.	Reported cases.		True cases.	
	1891.	1892.	1891.	1892.
Murder	128	180	124	174
Attempt at murder	10	15	10	13
Culpable homicide	87	88	85	81
Attempt at culpable homicide	1	...	1	...
Grevious hurt	433	469	419	467
Rape	200	145	118	108
Unnatural offences	13	26	10	21
Hurt	2,097	2,110	1,988	2,032
Criminal force and assault	2,892	2,524	2,655	2,384

Offences against property.

Offences.	Reported cases.		True cases.	
	1891.	1892.	1891.	1892.
Dacoity	173	249	161	236
Robbery, including attempts	263	257	220	224
Housebreaking and lurking house-trespass	906	1,016	837	980
Other house-trespass	583	553	529	502
Criminal trespass	496	525	404	450
Cattle-theft	2,218	2,433	2,080	2,805
Other thefts and receiving stolen property	7,402	7,669	6,864	7,177

The number of principal offences against the person reported as true since 1884 is shown below :—

Offences.	1884.	1885.	1886.	1887.	1888.	1889.	1890.	1891.	1892.
Murder, including attempts.	162	150	257	203	191	205	131	134	187
Culpable homicide not amounting to murder, including attempts.	36	37	32	44	38	28	32	36	31
Grievous hurt ...	301	310	341	354	362	457	470	419	467
Rape and unnatural offences.	109	92	115	133	113	120	135	128	129
Hurt	1,720	1,618	1,165	1,524	1,698	1,893	1,767	1,988	2,032
Criminal force and assault.	2,705	2,649	2,713	2,624	2,798	2,884	2,779	2,655	2,884

The number of cases of robbery, dacoity, and cattle-theft since 1884 is as follows :—

Offences.	1884.	1885.	1886.	1887.	1888.	1889.	1890.	1891.	1892.
Dacoity	120	125	2,156	1,529	904	538	230	161	236
Robbery ...	194	204	585	517	515	333	249	220	224
Cattle-theft ...	1,385	1,364	1,420	2,000	2,389	2,698	2,008	2,080	2,805

	District.	Dacoity.		Robbery, including attempts.		Cattle-theft.	
		1891	1892	1891	1892	1891	1892.
Arakan.	Akyab	7	15	11	7	18	66
	Sandoway	1	1	8	2	2	2
	Kyaukpyu	4	6	...	4	3	3
	Northern Arakan	...	...	...	...	...	...
Pegu.	Hanthawaddy ...	15	15	17	17	213	195
	Prome	7	11	23	22	451	498
	Tharrawaddy ...	20	8	29	27	278	268
	Pegu	8	12	17	24	130	181
Irrawaddy.	Thôngwa	28	29	31	27	59	57
	Henzada	18	16	21	22	135	153
	Bassein	35	34	25	21	71	114
	Thayetmyo	14	25	21	18	347	446
Tenasserim.	Amherst	7	39	4	8	154	120
	Toungoo	2	13	6	13	70	97
	Shwegyin	4	11	11	9	130	88
	Tavoy	...	...	...	1	5	2
	Mergui	...	1	1	...	5	4
	Salween	1	...	...	2	9	16

Of offences affecting the human body the most noticeable increase is in the number of murders, which rose from 124 in 1891 to 174 in 1892. No special cause has been assigned by any Magistrate or Sessions Judge for this large increase.

The tables of offences relating to property show a large increase in the number of dacoities and cattle-thefts.

Taking dacoities and cattle-thefts together, the greatest increase is in Thayetmyo, an increase of 110 cases, Akyab follows with 56, and then come Pegu, Prome, Bassein, and Toungoo. The largest increase in dacoities only was in the Amherst district, an increase of 35, but that district shows 34 fewer cattle-thefts than in the previous year. The District Magistrate of Thayetmyo says—

"Cattle-theft shows a considerable increase of 99, the figures being 446 against 347 in the previous year. This is unsatisfactory. Cattle-theft is most prevalent on the Myedè side. Substantial sentences are always passed in these cases, and the Track law has been worked, but it seems impossible to get the people of this subdivision out of their habits of cattle-lifting. In my opinion the best way of coping with it is to have a European Inspector of Police stationed at Thambulla, which is the head centre of cattle-thieving and where an Inspector was stationed till last year. Lately the Sinbaungwè Inspector has also been taken away, the Assistant Superintendent of Police being left to work a most troublesome subdivision single-handed. Under these circumstances I am not surprised at the increase in cattle-thefts."

In the Prome district the District Magistrate has been in the habit of himself trying cattle-thefts in order that they may be sufficiently punished, and in the last administration report Mr. Fulton was able to notice a decrease in cattle-thefts by 108 for the year 1891, but during 1892 there was again an increase of 42. Lieutenant-Colonel Cresswell writes—

"To a certain extent a new form of cattle-theft came into vogue. This was theft for food. Cattle often of small value were taken away and killed and eaten by a whole village, and in consequence no evidence was forthcoming, and the only way was punishment under the Track law."

In the Henzada district thefts, including cattle-thefts, and receiving stolen property rose from 626 to 905. With reference to this the Deputy Commissioner remarks: "This enormous increase is attributed to the high price of paddy last year," and the Commissioner of the Irrawaddy division adds—

"It was also due, partially at least, to better reporting consequent on the working of the system of beat patrols."

The District Magistrate of Toungoo says—

"Cattle-theft increased from 70 cases to 97, and ordinary thefts from 368 to 428. The famine in Upper Burma, which necessitated the emigration of thousands from Upper Burma, all of whom nearly passed through the district, made it most difficult for the police to have any check on the movements of suspicious characters. I do not say that thefts were committed to any extent by Upper Burmans, but I am quite sure that bad characters took advantage of the confusion to commit thefts of cattle and other property."

The immigration of Upper Burmans may also have affected other districts which they entered in a similar way.

The District Magistrate of Amherst does not offer any explanation of the increase of dacoities in his district.

5. The following table shows the effective strength of the Magistracy in each district in Lower Burma at the close of the year :—

Number and Distribution of Magistrates.

Division.	Name of district.	At district headquarters.						At subdivisional headquarters other than headquarters of district.						At township headquarters other than headquarters of district or subdivision.					
		Stipendiary Magistrates.				Honorary Magistrates sitting singly and Special Magistrates under section 14, Criminal Procedure Code.	Benches of Honorary Magistrates.	*Stipendiary Magistrates.*				Honorary Magistrates sitting singly and Special Magistrates under section 14, Criminal Procedure Code.	Benches of Honorary Magistrates.	*Stipendiary Magistrates.*				Honorary Magistrates sitting singly and Special Magistrates under section 14, Criminal Procedure Code.	Benches of Honorary Magistrates.
		First class, including District Magistrates.	Second class.	Third class.	Total.			First class.	Second class.	Third class.	Total.			First class.	Second class.	Third class.	Total.		
Arakan.	Akyab	3	1	2	6	...	1	2	1	...	3	...	...	1	4	...	5	...	...
	Kyaukpyu	2	...	1	3	...	1	...	...	...	...	...	...	2	2	...	4	...	1
	Sandoway	2	...	...	2	...	...	...	...	...	..	...	...	1	1	...	2	...	...
	Northern Arakan ...	1	...	...	1	...	...	...	...	...	...	...	...	...	.	...		...	...
	Total ...	8	1	3	12	...	2	2	1	...	3	...	...	4	7	...	11	...	1
Pegu.	Hanthawaddy ...	1	...	1	2	...	...	1	...	..	1	...	...	2	2	...	4	...	...
	Pegu	2	1	...	3	...	1	1	1	...	2	...	...	1	3	...	4	3	...
	Tharrawaddy ...	2	...	1	3	...	...	1	...	...	1	...	..	4	...	2	6	..	...
	Prome	2	1	...	3	...	1	2	1	1	4	...	...	2	2	.	4	...	...
	Total ...	7	2	2	11	...	2	5	2	1	8	...	...	9	7	2	18	3	...
Irrawaddy.	Henzada	3	...	1	4	...	1	1	...	...	1	...	...	2	3	...	5	...	...
	Bassein	3	1	...	4	...	1	2	...	...	2	...	...	1	6	...	7	..	...
	Thôngwa	2	1	...	3	...	...	3	1	...	4	...	1	2	3	1	6	...	...
	Thayetmyo ...	2	1	...	3	...	...	2	1	1	4	...	...	2	1	1	4	1	...
	Total ...	10	3	1	14	...	2	8	2	1	11	...	1	7	13	2	22	1	...
Tenasserim.	Amherst	3	2	...	5	1	1	3	...	1	4	...	1	4	2	3	9	...	...
	Shwegyin	2	...	1	3	...	1	2	1	1	4	1	...	1	1	...	2	...	...
	Toungoo	2	...	2	4	...	1	...	...	...	...	1	...	1	...	4	5	...	...
	Tavoy	1	2	...	3	...	1	...	...	...	...	...	...	...	2	1	3	...	...
	Mergui	1	1	...	2	...	...	1	...	...	1	...	...	..	1	2	3	...	...
	Salween	1	...	1	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Total ...	10	5	4	19	1	4	6	1	2	9	2	1	6	6	10	22	...	...
	Grand Total ...	35	11	10	56	1	10	21	6	4	31	2	2	26	33	14	73	4	1

The strength of the Stipendiary Magistracy was 160, the same as in the previous year, but was distributed as follows :—

	1891.	1892.
At district headquarters	54	56
At subdivisional headquarters	35	31
At township headquarters	71	73

There were seven Honorary Magistrates sitting singly and 13 Benches of Honorary Magistrates employed during the year. The corresponding numbers in 1891 were 6 and 13 respectively.

6. The following table shows the work done by the different classes of Magistrates and to what extent Magistrates used their summary powers :—

Cases disposed of by Magistrates under Summary Powers.

Division.	Name of district.	Total cases tried by Stipendiary and Honorary Magistrates.			Number of cases tried summarily.			Percentage of cases tried summarily to total cases tried.
		By Magistrate of district.	By other Magistrates.	Total.	By Magistrate of district.	By other Magistrates.	Total.	
Arakan.	Akyab	23	1,681	1,704	...	132	132	7·75
	Kyaukpyu	106	701	807	5	37	42	5·20
	Sandoway	71	430	501	35	...	35	6·99
	Northern Arakan	20	...	20	4	...	4	20·00
	Total ...	220	2,812	3,032	44	169	213	7·02
Pegu.	Hanthawaddy	191	1,344	1,535	5	40	45	2·93
	Pegu	59	1,994	2,053	11	451	462	22·50
	Tharrawaddy	110	2,342	2,452	9	175	184	7·50
	Prome	227	3,616	3,843	6	766	772	20·09
	Total ...	587	9,296	9,883	31	1,432	1,463	14·80
Irra-waddy.	Henzada	69	2,649	2,718	...	313	313	11·52
	Bassein	48	2,978	3,026	2	411	413	13·65
	Thôngwa	59	2,596	2,655	5	211	216	8·14
	Thayetmyo	53	1,463	1,516	...	72	72	4·75
	Total ..	229	9,686	9,915	7	1,007	1,014	10·23
Tenasserim.	Amherst	56	3,571	3,627	...	1,149	1,149	31·68
	Shwegyin	82	1,280	1,362	13	107	120	8·81
	Toungoo	85	1,025	1,110	7	50	57	5·14
	Tavoy	114	394	508	17	79	96	18·90
	Mergui	104	202	306	49	...	49	16·01
	Salween	37	9	46	5	...	5	10·87
	Moulmein	...	...	...	...	...	...	...
	Total ...	478	6,481	6,959	91	1,385	1,476	21·21
	Grand Total ...	1,514	28,275	29,789	173	3,993	4,166	13·99
	In 1891 ...	1,722	27,704	29,426	159	4,033	4,192	14·25

The number of cases regularly tried by District Magistrates has decreased from 1,722 to 1,514, while the number of cases summarily tried by them has slightly risen from 159 to 173, making a net decrease of 194 cases.

7. Work done by Honorary Magistrates, including Benches and Special Magistrates:—

Division.	Name of district.	Cases disposed of in		Persons disposed of in	
		1892.	1891.	1892.	1891.
Arakan ...	Akyab	88	278	110	369
	Kyaukpyu	26	29	39	42
	Sandoway	...	...	...	...
	Northern Arakan	...	...	...	...
	Total ...	114	307	149	411
Pegu ...	Hanthawaddy	...	...	...	...
	Pegu	437	365	478	404
	Tharrawaddy	...	...	...	...
	Prome	546	504	642	706
	Total ...	983	869	1,120	1,110
Irrawaddy ...	Henzada	314	620	686	942
	Bassein	226	260	369	488
	Thôngwa	52	169	70	287
	Thayetmyo	...	35	...	54
	Total ...	592	1,084	1,125	1,721
Tenasserim ...	Amherst	900	733	1,257	1,021
	Shwegyin	84	106	142	177
	Toungoo	69	72	189	174
	Tavoy	79	11	143	16
	Mergui	...	...	...	...
	Salween	...	...	...	...
	Moulmein	...	...	...	...
	Total ...	1,132	922	1,681	1,388
	Grand Total ...	1,821	3,182	4,075	4,630
	Percentage to total disposed of by all Magistrates.	6·11	10·81	7·88	9·03

There has been a falling off in the work of the Honorary Magistrates, especially in Akyab and Henzada. In Akyab this has been due to cases

formerly falling to the Honorary Magistrates being shared with new supernumerary third class Magistrates. In Henzada the decrease is attributed to a large number of cases of cattle trespass under the Embankments Act being now more conveniently taken up by village headmen. The District Magistrate reports that the Bench at Bassein is not very popular.

The District Magistrates of Prome and Pegu report favourably of the work done by Honorary Magistrates in their districts.

8. The following table compares the results of enquiries and trials before Magistrates during the past two years in the several districts of the province :—

Result of Trials and Inquiries by Magistrates in each District.

Division.	District.	Persons: Under trial.	Committed, convicted, or referred.	Acquitted or discharged.	Died, escaped, or transferred.	Pending.	Percentage of convictions, committals, and references (column 4) to total tried (columns 4 and 5): Last year.	Previous year.	Average duration of cases: Last year.	Previous year.
1	2	3	4	5	6	7	8	9	10	11
Arakan.	Akyab ..	2,811	1,439	1,316	2	54	52·23	55·07	7	9
	Kyaukpyu ...	1,419	829	537	6	47	60·69	57·72	7	8
	Sandoway ...	704	446	249	...	9	64·17	67·58	10	7
	Northern Arakan ...	43	26	13	...	4	66·67	80·00	14	6
	Total ...	4,977	2,740	2,115	8	114	56·44	57·59	7	8
Pegu.	Hanthawaddy ...	4,055	2,184	1,622	3	246	57·88	65·28	14	15
	Pegu ...	3,779	2,099	1,488	07	175	59·84	62·29	10	10
	Tharrawaddy ...	4,562	3,078	1,356	6	122	69·42	76·31	8	7
	Prome ...	5,847	4,080	1,675	15	77	70·89	67·80	9	7
	Total ...	18,243	11,441	6,091	91	620	65·26	67·98	10	9
Irrawaddy.	Henzada ...	4,738	2,915	1,769	11	43	62·23	66·14	7	6
	Bassein ...	5,163	2,657	2,410	42	54	52·44	49·48	7	8
	Thôngwa ...	5,661	2,970	2,432	85	174	54·98	54·10	8	8
	Thayetmyo ...	2,644	1,606	1,003	18	17	61·56	63·40	11	9
	Total ...	18,206	10,148	7,614	156	288	57·13	57·65	8	8
Tenasserim.	Amherst ...	5,427	3,153	2,163	15	96	59·31	58·79	5	6
	Shwegyin ...	2,509	1,612	859	...	38	65·24	65·31	14	9
	Toungoo ...	2,082	1,300	742	3	37	63·66	60·90	9	7
	Tavoy ...	1,140	681	446	...	13	60·43	60·02	10	7
	Mergui ...	519	346	161	1	11	68·24	75·99	9	7
	Salween ...	71	49	20	1	1	71·02	59·59	6	9
	Moulmein ...	...	...	...	...	...	...	...	...	...
	Total ...	11,748	7,141	4,391	20	196	61·92	61·90	8	7
	Grand Total ...	58,174	31,470	20,211	275	1,218	60·89	...	9	...
	In 1891 ...	52,523	31,719	19,568	284	952	...	61·85	...	8

The proportion of convictions and committals to the total number of persons tried fell slightly, the percentage for 1891 and 1892 being 61·85 and 60·89 respectively.

The proportions of convictions in cases under the Indian Penal Code and in cases under special and local laws for the past five years are subjoined :—

	Under Indian Penal Code.	Under and local special laws.
1888	46	72
1889	53	74
1890	50	73
1891	50	74
1892	49	75

The average duration of cases was 9 days as against 8 in 1891. It was highest in Northern Arakan, Hanthawaddy, and Shwegyin, where it was 14 days, and lowest in Amherst and Salween, where it was 5 and 6 days respectively. An endeavour to draw increased attention by District Magistrates and Sessions Judges to inordinate delay in the disposal of cases has been made during the year by requiring an explanation from Magistrates in every case where the trial lasted more than 15 days from the date of institution to the date of sentence. Magistrates are also required to file all remand orders of accused persons in their trial records.

9. Cases in which security was demanded for good behaviour in the past two years (Chapter VIII, Criminal Procedure Code) are shown below: —

Division.	Name of district.	Persons concerned.		Persons discharged.		Persons convicted.		Percentage of persons convicted to total persons disposed of.	
		Last year.	Previous year.	Last year.	Previous year.	Last year.	Previous year.	Last year.	Previous year.
Arakan	Akyab ...	52	97	24	35	27	62	52·94	63·92
	Kyaukpyu ...	66	111	35	38	30	64	46·15	62·74
	Sandoway ..	20	5	11	3	8	2	42·11	40·00
	Northern Arakan	1	...	...	...	1	...	100·00	...
	Total ...	139	213	70	76	66	128	48·53	62·75
Pegu	Hanthawaddy ...	77	107	18	17	59	90	76·62	84·11
	Pegu ...	77	209	29	64	44	136	60·27	68·00
	Tharrawaddy ...	165	202	35	8	128	194	78·53	96·04
	Prome ...	402	589	82	125	313	464	79·24	78·78
	Total ...	721	1,107	164	214	544	884	76·84	80·51
Irrawaddy	Henzada	189	209	37	27	152	182	80·42	87·08
	Bassein ...	227	331	67	91	151	205	69·27	69·26
	Thôn wa ...	140	206	55	54	85	141	60·71	72·31
	Thayetmyo ...	105	152	23	31	82	107	78·10	77·54
	Total ...	661	898	182	203	470	635	72·09	75·78
Tenasserim	Amherst ...	169	302	33	93	118	204	78·15	68·69
	Shwegyin ...	19	107	11	42	8	60	42·11	58·82
	Toungoo ...	42	52	20	19	22	33	52·38	63·46
	Tavoy ...	18	5	8	1	10	4	55·56	80·00
	Mergui ...	12	3	1	...	11	3	91·67	100·00
	Salween ...	...	4	...	2	...	2	...	50·00
	Moulmein ...	...	...	...	...	...	...	...	...
	Total ...	260	473	73	157	169	306	69·83	66·09
	Grand Total ...	1,781	2,691	489	650	1,249	1,953	71·86	75·03

The number of security cases has fallen from 2,691 to 1,781. The practice of requiring security for good behaviour on insufficient evidence has been checked by my predecessors and the decrease in the number of security cases is no doubt due to their action. It is noticeable that this decrease coincides with an increase of serious crimes, but it is doubtful whether there is any connection between the two. In Shwegyin while the security cases fell from 107 to 19, dacoities rose from 4 to 11, but this was more than counterbalanced by the decrease of cattle-thefts from 130 to 88. In Hanthawaddy a small decrease in the number of security cases was accompanied by a decrease in cattle-thefts, while the number of dacoities was exactly the same.

On the other hand, in the Prome and Pegu districts security cases fell from 589 and 209 to 402 and 77 respectively, while dacoities and cattle-thefts increased, the former in Prome from 7 to 11 and in Pegu from 8 to 12, and the latter from

451 to 493 in Prome and from 130 to 181 in Pegu. As will be gathered from the next table out of 1,249 persons ordered to furnish security 757 persons have been imprisoned in default. It will thus be seen notwithstanding the decrease a very large number of persons were imprisoned for failure to find security. The total number of persons sentenced to substantive imprisonment was 7,619, so that the proportion of persons imprisoned for failure to find security compared with the number of persons who received substantive sentences of imprisonment was 1 to 10.

The provisions of the Code of Criminal Procedure as to security for good behaviour are no doubt very useful for the prevention of crime, but they need to be worked with great discretion and care, and there is great danger of their misuse.

10. The following table shows the different classes of punishments inflicted in Magisterial Courts :—

Division.	Name of district.	Total number of persons punished.	Fine without imprisonment.		Fine with imprisonment.		Whipping in lieu of other punishment		Whipping in addition to other punishment.		Rigorous imprisonment without solitary confinement.		Simple imprisonment.		Rigorous imprisonment with solitary confinement.		Imprisoned in default of furnishing security for good behaviour.
			Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Arakan	Akyab	1,289	910	70·60	80	6·21	27	2·09	6	·47	313	24·28	9	·70	10	·78	20
	Kyaukpyu	762	523	68·64	42	5·51	37	4·86	11	1·44	169	22·18	4	·52	7	·92	22
	Sandoway	424	278	65·57	38	8·96	36	8·49	11	2·59	101	23·82	4	·94	3	·71	2
	Northern Arakan	25	10	40·00	4	16·00	3	12·00	1	4·00	11	44·00	1	4·00	...	...	..
	Total ...	2,500	1,721	68·84	164	6·56	103	4·12	29	1·16	594	23·76	18	·72	20	·80	44
Pegu	Hanthawaddy	1,984	1,460	73·59	6	·30	73	3·68	9	·45	409	20·61	10	·50	3	·15	29
	Pegu	1,933	1,361	70·41	100	5·17	78	4·04	5	·26	442	22·87	18	·93	26	1 35	8
	Tharrawaddy	2,854	1,581	55·40	68	2·38	246	8·62	22	·77	820	28·73	19	·67	80	2·80	108
	Prome	3,815	1,994	52·27	96	2·52	206	5·40	34	·89	1,237	32·42	36	·94	130	3·41	212
	Total ...	10,586	6,396	60·42	270	2·55	603	5·70	70	·66	2,908	27·47	83	·78	239	2·26	357
Irrawaddy	Henzada	2,746	1,899	69·15	47	1·71	143	5·20	22	·80	578	21·05	8	·29	54	1·97	64
	Bassein	2,510	1,657	66·02	31	1·24	90	3·59	17	·68	625	24·90	12	·48	5	·20	121
	Thôngwa	2,721	1,906	70·05	62	2·28	149	5·48	27	·99	594	21 83	11	·40	23	·85	38
	Thayetmyo	1,411	669	47·41	28	1·98	79	5·60	25	1·77	555	39·33	28	1·98	29	2·06	51
	Total ...	9,388	6,131	65·31	168	1·79	461	4·91	91	·97	2,352	25·05	59	0·63	111	1·18	274
Tenasserim	Amherst	2,903	2,382	82·05	18	·62	76	2·62	19	·65	337	11·61	57	1·96	6	·21	45
	Shwegyin	1,465	1,085	74·06	21	1·43	91	6·21	20	1·37	281	19·18	1	·07	4	·27	3
	Toungoo	1,237	827	66·86	16	1·29	72	5·82	6	·49	314	25·38	1	·08	1	·08	22
	Tavoy	653	525	80·40	11	1·68	16	2·45	1	·15	88	13·48	8	1·23	11	1·68	5
	Mergui	329	202	61·40	12	3·65	16	4·86	5	1·52	100	30·40	3	·91	1	·30	7
	Salween	48	17	35·42	8	16·67	9	18·75	2	4·17	21	43·75	1	2·08	...	...	...
	Total ...	6,635	5,038	75·93	86	1·30	280	4·22	53	·80	1,141	17·20	71	1·07	23	·35	82
	Grand Total ...	29,109	19,286	66·25	688	2·36	1,447	4·97	246	·83	6,995	24·03	231	·79	393	1·35	757
	In 1891 ...	29,210	19,444	66·57	774	2·65	1,470	5·03	214	·73	6.448	22·07	196	·67	485	1·66	1,167

The only kind of punishment which shows any marked change is that of rigorous imprisonment without solitary confinement. The percentage of this punishment has risen from 22·07 to 24·03.

11. The fines imposed, realized, remitted, and struck off as unrealizable in the past two years, and the amount of compensation given to complainants, is shown below.

	1891.			1892.		
	Rs.	A.	P.	Rs.	A.	P.
Imposed	3,30,019	0	3	3,43,418	13	6
Realized	2,77,728	2	8	2,81,198	12	9
Remitted	31,827	1	1	13,598	3	3
Struck off	66,559	0	0	28,532	6	10
Compensation granted	24,968	0	6	14,272	9	11

An increase both in the amount of fines imposed and realized is observable in the past year. The amount of fines remitted and struck off is considerably less than half that of the preceding year. A marked decrease in the amount of compensation awarded is also noticeable. A special fine register was introduced from the beginning of the year which probably has improved the check upon outstanding fines, but there has been no improvement in the proportion of realizations. However, it is very satisfactory that so large a part of the fines imposed has been realized.

12. The number of cases and persons committed to the Sessions and the proportion of convictions to total tried is shown below.

Result of committals to the Sessions Court.

Sessions Court.	Cases committed during the year.	Persons committed during the year including those pending from previous year.	Number of persons				Percentage of convictions and references (column 4) to total disposed of (columns 4 and 5).		Average duration of cases.	Remarks.
			Convicted or referred.	Acquitted.	Died, escaped, or transfered.	Pending.	Last year.	Previous year.		
1	2	3	4	5	6	7	8	9	10	11
Arakan ...	45	116	70	32	1	13	68·63	55·29	35	
Pegu ...	164	300	185*	105*	..	10	63·79	66·83	41	
Irrawaddy ...	168	394	203†	178†	.	13	53·28	58·83	47	
Tenasserim ..	56	139	83	48	..	8	63·36	45·07	38	
Moulmein ...	16	19	13	6	...	...	68·42	67·74	27	
Total ...	449	968	554	369	1	44	60·02	...	42	
In 1891 ...	387	741	409	275	2	55	...	59·79	38	

* 100 persons convicted and 83 acquitted by Additional Sessions Judge.
† 171 persons convicted and 169 acquitted by Additional Sessions Judge.

The heaviest sessions work is in the Irrawaddy and Pegu divisions. The majority of the cases in those divisions were tried by an Additional Sessions Judge as in the previous year. This Sessions Judge disposed of 523 persons, convicting 271 and acquitting 252. Respecting the amount of work in the Tenasserim Division the Sessions Judge writes: "That a Sessions Judge with comparatively no civil work has only 56 cases to try in a year would in the regulation districts of India mean that he has little or nothing to do. Here it is very different, nearly two months in the year were occupied in pure travelling, and as there were only ten months for work, this is equivalent to an increase of 11 cases, making 67. The Sessions Judge is also Commissioner, and the executive and revenue work which he has to get through is enormous. The Advocates are not highly educated and trained lawyers; the cases are very badly prepared in some cases, and the Sessions Judge's work is not by any means so light as might be supposed from the figures."

The percentage of convictions rose from 59·79 in 1891 to 60·02 in 1892. It was lowest in the Irrawaddy Division, where it fell from 58·83 to 53·28. Respecting

this the Sessions Judge remarks: "The district of Bassein is mainly responsible for the poor percentage of convictions obtained before the Court of the Additional Sessions Judge, and an examination of individual cases satisfied me that for these bad results the committing Magistrates, the investigating police officers, and the Government Prosecutor were jointly and severally responsible. Indeed, in Bassein there was only one good Sessions, namely, when the District Superintendent of Police himself went through every case personally and instructed the Government Prosecutor both before and at the time of the Sessions trials."

The average duration of cases rose from 38 days in 1891 to 42 days in 1892. The Pegu and Irrawaddy Divisions are responsible for the highest duration. In explanation of the rise in Irrawaddy is mentioned the fact that at times the Additional Sessions Judge had more cases fixed at a particular station than he could dispose of without adjournment.

13. The following table compares the sentences passed in Sessions Courts in the past two years:—

Punishments in Sessions Courts.

Class of punishment.	Last year.	Previous year.	Remarks.
Death	49*	30*	* Sentences confirmed by Judicial Commissioner.
Transportation for life	107	60	
Transportation for a term	259	239	
Rigorous imprisonment with or without fine or whipping ...	314	287	
Simple imprisonment with or without fine	4	1	
Fine only	...	1	
Whipping	3	10	
Total punishments ...	736	628	

It will be noticed that there has been an increase under every description of punishment except fine and whipping. The increase in the severer forms of sentence is no doubt due to the increase of the graver forms of crime noticed elsewhere.

14. The number of persons referred to the Sessions Courts under sections 34 and 123, Criminal Procedure Code, and the proportion of convictions to reference are shown below.

References to Sessions Court under sections 34 and 123, Code of Criminal Procedure.

Sessions Court.	Number of cases referred during the year.	Number of person referred.	Number of persons				Percentage of convictions (column 4) to total disposed of (columns 4 and 5).
			Convicted.	Acquitted.	Died, escaped, or transferred.	Pending.	
1	2	3	4	5	6	7	8
Arakan	16	18	16	2	...	...	88·89
Pegu	75	95	95	...	...	...	100·00
Irrawaddy	51	66	66	...	...	...	100·00
Tenasserim	28	61	39	17	...	5	69·64
Moulmein	...	...	...	...	...	...	...
Total	170	240	216	19	...	5	91·91
Total of previous year ...	160	253	236	9	...	8	96·32

There were 10 more references in 1892 than in 1891. The percentages of references confirmed has decreased from 96·32 to 91·91. The Sessions Judge, Tenasserim, shows the lowest percentage. The Sessions Judges of Pegu and Irrawaddy confirmed every case referred to them. This was remarked of the Sessions Judge, Pegu, in the preceding year also.

15. The next table shows the detention of witnesses and the number of witnesses examined in Sessions and Magistrates' Courts.

Examination and detention of witnesses in Sessions and Magistrates' Courts.

Division.	Name of district.	Witnesses examined.	Witnesses discharged.			
			First day.	Second day.	Third day.	After third day.
Arakan.	Akyab	6,587	6,403	712	186	82
	Kyaukpyu	2,890	2,096	598	78	18
	Sandoway	2,219	1,905	712	139	26
	Northern Arakan	98	105	8	...	...
	Sessions Judge of Arakan ...	568	415	119	48	44
	Total ...	11,812	10,924	2,144	451	165
Pegu.	Hanthawaddy	6,156	6,071	534	46	25
	Pegu	7,228	7,326	944	175	29
	Tharrawaddy	11,935	12,832	632	78	20
	Prome	14,720	13,815	2,936	682	138
	Sessions Judge of Pegu ...	1,783	1,763	278	85	...
	Judicial Commissioner, Lower Burma.	24	23	...	1	...
	Total ...	41,796	41,830	5,819	1,067	212
Irrawaddy.	Henzada	10,678	9,930	2,166	299	53
	Bassein	12,394	11,786	1,940	224	106
	Thôngwa	9,826	10,141	1,086	242	56
	Thayetmyo	6,296	5,669	1,314	369	141
	Sessions Judge of Irrawaddy ...	1,804	1,897	414	50	45
	Total ...	40,998	39,423	6,920	1,184	401
Tenasserim.	Amherst	7,740	7,681	1,347	315	137
	Shwegyin	5,030	4,797	725	166	26
	Toungoo	3,421	3,644	342	79	...
	Tavoy	1,827	2,057	289	50	...
	Mergui	1,180	1,214	66	26	25
	Salween	148	170	8	6	...
	Sessions Judge of Moulmein ...	63	77	45	4	...
	Sessions Judge of Tenasserim ...	603	559	221	41	...
	Total ...	20,012	20,199	3,043	687	188
	Grand Total ...	114,618	112,376	17,426	3,389	966
	In 1891 ...	108,602	108,753	14,914	2,554	768

The number of witnesses examined increased from 108,602 to 114,618. The following districts show the largest number of witnesses examined: Prome 14,720, Bassein 12,394, Tharrawaddy 11,935, Henzada 10,678.

Appellate Jurisdiction.

16. The results of appeals disposed of in all Appellate Courts are shown in the next table.

Division.	Class of Appellate Court.	Number of appeal cases preferred within the year.	Number of appeal cases disposed of.	Number of appellants for disposal including those pending from previous year.	Appellants: Whose appeals were rejected or dismissed.	Whose sentences were reversed.	Whose sentences were enhanced, reduced, or otherwise altered.	Otherwise disposed of.	Total of columns 6 to 9.	Pending.	Percentage of column 6 to column 10.	Average duration.
1	2	3	4	5	6	7	8	9	10	11	12	13
Arakan.	District Magistrate of Akyab ...	36	29	75	23	15	16	...	54	21	42·59	9
	District Magistrate of Kyaukpyu ...	36	35	42	26	9	6	...	41	1	63·41	6
	District Magistrate of Sandoway ...	14	14	15	7	3	5	...	15	...	46·67	8
	District Magistrate of Northern Arakan ...	...	...	...	...	...	...	...	...	...	...	...
	Sessions Judge of Arakan	268	253	276	216	24	18	3	261	15	82·76	9
	Total ...	354	331	408	272	51	45	3	371	37	73·32	9
Pegu.	District Magistrate of Hanthawaddy ...	17	17	15	11	1	3	...	15	...	73·33	7
	District Magistrate of Pegu ...	30	30	42	23	13	6	...	42	...	54·76	8
	District Magistrate of Tharrawaddy ...	35	35	39	27	5	7	...	39	...	69·23	8
	District Magistrate of Prome ...	53	53	60	45	5	10	...	60	...	75·00	5
	Sessions Judge of Pegu ...	1,146	1,134	1,310	1,133	106	52	5	1,296	14	87·42	5
	Judicial Commissioner, Lower Burma ...	569	575	712	496	85	82	16*	679	33	79·05	22
	Total ...	1,850	1,844	2,178	1,735	215	160	21	2,131	47	81·42	8
Irrawaddy.	District Magistrate of Henzada ...	27	27	45	31	2	9	...	45	...	75·56	12
	District Magistrate of Bassein ...	72	69	94	46	18	27	...	91	3	50·55	7
	District Magistrate of Thôngwa ...	61	61	85	43	23	19	...	85	...	50·59	6
	District Magistrate of Thayetmyo ...	43	42	64	43	12	8	...	63	1	68·25	4
	Sessions Judge of Irrawaddy ...	715	707	869	746	77	24	7	854	15	87·35	19
	Total ...	918	906	1,157	912	132	87	7	1,138	19	80·14	16
Tenasserim.	District Magistrate of Amherst ...	35	34	54	31	12	10	...	53	1	58·49	5
	District Magistrate of Shwegyin ...	10	9	14	7	1	5	...	13	1	53·85	10
	District Magistrate of Toungoo ...	36	36	58	27	14	17	...	58	...	46·55	6
	District Magistrate of Tavoy ...	17	14	39	26	8	1	...	35	4	74·29	17
	District Magistrate of Mergui ...	13	13	16	4	2	10	...	16	...	25·00	4
	District Magistrate of Salween ...	...	...	...	...	...	...	...	...	...	...	...
	Sessions Judge of Moulmein ...	21	21	22	12	0	2	2	22	...	54·55	4
	Sessions Judge of Tenasserim ...	407	386	448	345	27	33	7	412	36	83·74	18
	Total ...	539	513	651	452	70	78	9	609	42	74·22	13
	Grand Total ...	3,661	3,594	4,394	3,371	468	370	40	4,249	145	79·34	11
	In 1891 ...	3,773	3,701	4,313	3,251	477	382	65	4,175	138	77·87	12

* Including 6 persons who were convicted on appeal by Government from orders of acquittal.

Appeals disposed of by District Magistrates fell from 639 to 518. Appeals disposed of by Sessions Judges fell from 2,559 to 2,501 and appeals disposed of by the Judicial Commissioner rose from 503 to 575.

The percentage of sentences left untouched to the total disposed of increased from 77·87 to 79·34. As in the previous year it is highest in appeals dealt with by the Sessions Judge, Pegu, and lowest in those disposed of by the District Magistrate, Mergui.

The average duration of appeals was 11 days, a decrease by one day from the preceding year.

17. The following statement shows in what divisions there has been the largest amount of interference with the decisions of the Sessions Courts :—

Sessions Court.	Total appellants disposed of by Judicial Commissioner.	Persons whose			Percentage of appeals rejected and dismissed to total disposed of by Judicial Commissioner.	
		Appeals were rejected or dismissed.	Sentences were reduced or altered.	Convictions were reversed.	1891.	1892.
Arakan	55	47	1	7	80	85
Pegu*	63	45	8	10	69	71
Irrawaddy*	12	12	...	...	87	100
Tenasserim	48	40	6	2	85	83
Judge of Moulmein ..	11	11	...	...	100	100
Additional Sessions Judge ...	220	165	30	25	73	75
Total ...	409	320	45	44	...	78
Total of 1891 ...	350	266	39	45	76	...

* Excluding appeals from the Additional Sessions Judge.

The percentage of appeals rejected or dismissed by the Court of the Judicial Commissioner to appeals before it was 78, an increase by 2 over the previous year. In all three years the percentage of cases in which it was found necessary to interfere was highest among appeals coming from the Sessions Judge of Pegu, whose percentage of convictions, 87, was the highest among Sessions Judges.

18. The following table shows the references made to the Judicial Commissioner under section 374, Criminal Procedure Code :—

Reference by whom made.	Sentences					Remarks.
	Referred for confirmation.	Confirmed.	Reduced or altered.	Reversed.	Pending.	
Sessions Judge of Arakan ...	10	8	...	...	2	
Sessions Judge of Pegu ...	25	19	2	4	...	
Sessions Judge of Irrawaddy ...	2	1	...	1	...	
Additional Sessions Judge, Pegu and Irrawaddy.	30	14	10	3	1	Two new trials.
Sessions Judge of Tenasserim ...	14	6	6	...	...	Two new trials.
Sessions Judge of Moulmein ...	1	1	...	...	...	
Total ...	82	49	18	8	3	

During the past year 82 sentences of death were referred to the Judicial Commissioner for confirmation. Of these 49 were confirmed. In 1891 41 sentences were referred for confirmation, of which 30 were confirmed.

19. References to the Judicial Commissioner under section 438, Criminal Procedure Code, are shown in the following table:—

Division.	Reference by whom made.	Number of cases referred.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Persons.	Remarks.
Arakan.	District Magistrate of Akyab	28	35	18	...	5	12	...	...	
	District Magistrate of Kyaukpyu.	2	2	2	...	...	...	...	...	
	District Magistrate of Sandoway.	7	8	4	...	1	3	...	...	
	District Magistrate of Northern Arakan.	...	...	...	...	...	...	...	...	
	Sessions Judge of Arakan ...	11	13	3	...	...	6	2	4	
	Total ...	48	58	27	...	6	21	2	4	
Pegu.	District Magistrate of Hanthawaddy.	2	2	1	...	1	...	...	...	
	District Magistrate of Pegu ...	21	31	13	...	15	3	...	..	
	District Magistrate of Tharrawaddy.	10	12	3	...	3	2	1	2	Two new trials.
	District Magistrate of Prome	16	21	5	...	5	6	1	1	Four new trials.
	Sessions Judge of Pegu ...	7	19	2	2	2	13	...	...	
	Total ...	56	85	24	2	26	24	2	3	Six new trials.
Irrawaddy.	District Magistrate of Henzada.	11	21	4	1	14	2	...	...	
	District Magistrate of Bassein	21	33	13	...	3	17	...	...	
	District Magistrate of Thôngwa.	9	12	6	1	1	...	1	2	Two proceedings quashed.
	District Magistrate of Thayetmyo.	6	6	1	...	1	2	2	2	
	Sessions Judge of Irrawaddy	23	43	6	...	9	28	...	...	
	Total ...	70	115	30	2	28	49	3	4	Two proceedings quashed.
Tenasserim.	District Magistrate of Amherst.	12	16	6	2	1	5	1	1	One new trial.
	District Magistrate of Shwegyin.	2	2	2	...	...	...	...	...	
	District Magistrate of Toungoo.	6	8	5	1	...	2	...	...	
	District Magistrate of Tavoy	8	20	8	...	1	9	...	...	Two new trials.
	District Magistrate of Mergui	...	...	...	...	...	...	...	...	
	District Magistrate of Salween	...	...	...	...	...	...	...	...	
	District Magistrate of Moulmein.	...	...	...	...	...	...	...	...	
	Sessions Judge of Moulmein	3	3	...	2	...	1	...	...	
	Sessions Judge of Tenasserim	11	19	5	...	3	11	...	...	
	Total ...	42	68	26	5	5	28	1	1	Three new trials.
	Grand Total ...	216	326	107	9	65	122	8	12	Nine new trials and two proceedings quashed.
	In 1891 ...	287	657	152	5	84	291	15	23	Eighty-six proceedings quashed and 16 new trials.

20. Cases called for by the Judicial Commissioner on his own motion under section 435, Criminal Procedure Code.

Division.	Name of district.	Number of cases called for.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Pending: Persons.	Remarks.
Arakan.	Akyab	33	34	20	...	11	...	3	3	
	Kyaukpyu	14	14	7	...	4	3	...	...	
	Sandoway	16	22	15	...	1	3	2	2	One new trial.
	Northern Arakan ...	...	...	...	...	...	...	...	...	
	Sessions Judge of Arakan ...	...	...	...	...	...	...	...	...	
	Total ...	63	70	42	...	16	6	5	5	One new trial.
Pegu.	Hanthawaddy	40	46	22	...	12	11	1	1	
	Pegu	57	79	43	1	13	18	3	4	
	Tharrawaddy	37	45	28	1	7	2	4	6	One new trial.
	Prome	72	85	46	...	22	10	5	7	
	Sessions Judge of Pegu ...	1	1	...	...	...	...	1	1	
	Additional Sessions Judge of Pegu and Irrawaddy	2	2	...	1	1	...	...	...	
	Total ...	209	258	139	3	55	41	14	19	One new trial.
Irra-waddy.	Henzada	79	95	54	...	17	17	7	7	
	Bassein	65	96	47	...	9	36	4	4	
	Thôngwa	61	131	88	1	16	18	7	8	
	Thayetmyo	33	41	26	1	7	5	1	1	One new trial.
	Sessions Judge of Irrawaddy	1	1	...	...	1	...	...	...	
	Total ...	239	364	215	2	50	76	19	20	One new trial
Tenasserim.	Amherst	28	43	27	...	5	8	2	3	
	Shwegyin	25	29	12	...	3	3	8	9	Two proceedings quashed.
	Toungoo	21	21	17	...	3	...	...	...	One new trial.
	Tavoy	21	37	17	...	15	2	2	3	
	Mergui	7	7	4	...	1	2	...	...	
	Salween	...	...	...	...	...	...	...	...	
	Sessions Judge of Moulmein	...	...	...	...	...	...	...	...	
	Sessions Judge of Tenasserim	...	...	...	...	...	...	...	...	
	Total ...	102	137	77	...	27	15	12	15	Two proceedings quashed and one new trial.
	Grand Total ...	613	829	473	5	148	138	50	59	Two proceedings quashed and 4 new trials.
	In 1891 ...	678	1,305	918	4	68	215	63	82	

The total number of cases dealt with by the Judicial Commissioner on reference or on revision was 829. Of these sentences were enhanced in the case of 14 persons and reduced in 213, while the convictions were reversed in the case of 260 persons. The proceedings were quashed in 4 cases, and in 13 a new trial was ordered.

The number of cases examined during the inspection of various Courts are not included in these figures.

21. The following table shows the revision work done by the Sessions Judges and Magistrates otherwise than on application for revision:—

Cases called for in revision by Sessions Judges and District Magistrates.

Revising Court.	Number of cases called and examined under section 435, Criminal Procedure Code.		Number of cases in which committal was ordered under section 436, Criminal Procedure Code.	Number of cases in which further enquiry was ordered under section 437 of the Criminal Procedure Code.	Number of cases referred to the High Court under section 438, or to the District Magistrate under section 435, Criminal Procedure Code.	Pending cases.
	Last year.	Previous years.				
Sessions Judges ...	753	928	...	5	47	95
District Magistrates ...	2,798	3,196	...	17	183	191
Total ...	3,551	4,124	...	22	230	286

The table shows a decrease in the number of cases revised by Sessions Judges and by District Magistrates during the year under report.

22. The financial result of the rules regulating the fees chargeable for the service of processes and the remuneration of peons is shown in the following table:—

Receipts and Charges on account of issuing and serving Criminal Processes.

Division.	Name of district.	Number of processes issued.	Receipts from process-fees.	Charges.	
				Salaries of process-serving establishment.	Contingencies, &c.
			Rs. A. P.	Rs. A. P.	Rs. A. P.
Arakan.	Akyab	5,944	1,519 0 0	1,415 9 3	301 2 9
	Kyaukpyu	1,103	404 4 0	139 6 2	165 2 3
	Sandoway	1,104	192 8 0	337 15 3	11 7 0
	Northern Arakan ...	.....	.....	.....	.....
	Total ...	8,151	2,175 12 0	1,892 14 8	477 12 0
Pegu.	Hanthawaddy	3,823	1,190 0 0	604 11 7	253 7 8
	Pegu	4,468	1,395 1 0	1,316 0 2	100 4 6
	Tharrawaddy	8,184	1,826 0 0	1,908 12 11	279 8 11
	Prome	5,017	1,818 12 0	941 9 2	.....
	Total ...	20,992	5,729 13 0	4,771 1 10	633 4 8
Irrawaddy.	Henzada	11,674	2,265 14 0	2,619 11 4	77 11 2
	Bassein	5,984	2,684 14 0	2,113 10 3	5 3 4
	Thôngwa	4,787	2,329 4 0	1,318 0 6	166 5 3
	Thayetmyo	2,059	799 12 0	624 15 5	0 2 1
	Total ...	24,454	8,079 12 0	6,676 5 6	249 5 10
Tenasserim.	Amherst	6,567	2,768 11 0	1,781 9 6	562 9 8
	Shwegyin	6,337	856 14 0	1,163 8 11	35 12 5
	Toungoo	2,984	930 8 0	686 7 0	70 8 2
	Tavoy	2,079	477 4 0	863 10 2	0 3 10
	Mergui	852	261 12 0	90 0 4	85 15 4
	Salween	54	32 8 0	9 8 0	8 14 2
	Total ...	18,373	5,327 9 0	4,094 11 11	708 15 2
	Grand Total ...	71,970	21,312 14 0	17,435 1 11	2,069 5 8
	In 1891 ...	45,822	21,980 9 0	23,683 1 2	4,583 11 2

Some improvement is noticeable in the keeping of process registers. The number of processes issued in 1892 was 71,970, an increase of 26,148 processes as compared with 1891. The receipts from process-fees amounted to Rs. 21,312-14-0 and the charges on account thereof to Rs. 19,504-7-7, leaving a net gain of Rs. 1,808-6-5.

23. The subjects of inspections and the sorting and destruction of records have already been touched upon in the Civil Justice Report and call for no further comment here.

24. The following subordinate Magistrates have been favourably reported upon—

By the Sessions Judge, Irrawaddy Division.—

All the subordinates in the Henzada district except three, of whom one has been transferred elsewhere and two have reverted to clerkships.

By the District Magistrate, Prome—

Maung Ba Tu, K.S.M.	...	Subdivisional Magistrate, Paungdè.
Maung San Pe ...	...	Ditto Prome.
Maung Thè ...	...	Town Magistrate, Mahathaman.
Maung Po Han ...	...	Ditto Prome.
Maung Myit ...	...	Ditto Padaung.

By the District Magistrate, Toungoo—

Maung Pan Byu, K.S.M.	...	Subdivisional Magistrate, Toungoo.
Maung Taing, K.S.M.	...	Town Magistrate, Zayawadi.

No other Magistrates have reported upon their subordinates.

25. The following officers have done excellent work in the revision of cases :—

	Number of cases examined.
Colonel H. R. Spearman, Sessions Judge of Tenasserim ...	... 236
Lieutenant-Colonel C. A. Cresswell, District Magistrate of Prome	... 511
Mr. G. L. Weidemann, District Magistrate, Bassein ...	... 358
Lieutenant F. D. Maxwell, District Magistrate, Tharrawaddy	... 358

E. HOSKING,

Judicial Commissioner, Lower Burma.

THE

CRIMINAL JUSTICE REPORT

OF

UPPER BURMA

FOR

THE YEAR 1892.

From G. D. BURGESS, Esq., C.S.I., Judicial Commissioner. Upper Burma, to the Secretary to the Chief Commissioner, Burma,—No. 868A.-35—6, dated the 22nd May 1893.

I HAVE the honour to submit the Criminal Justice Report and Returns for Upper Burma for the year 1892.

Some of the district reports have been received very late, especially those of Mandalay, Bhamo, Ye-u, the Upper Chindwin, Pakôkku, and Myingyan, and in many instances the statements have been far from carefully prepared, so that numerous references have been required for the purpose of correction.

SECTION I.—REPORTED CASES.

2. The total number of offences reported and the total number of offences returned as true, compared with the figures of the previous year, are shown below.

Division.	Name of district.	Cases reported.		Cases rejected under section 203, Criminal Procedure Code		Cases declared false or not entered as true.		True cases.		Percentage of true to reported cases.	
		1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.
NORTHERN.	Mandalay	4,774	4,823	...	56	74	75	4,700	4,692	98·45	97·28
	Bhamo	447	602	3	5	13	6	433	591	96·87	98·17
	Katha	527	996	6	22	34	96	487	878	92·41	88·15
	Ruby Mines	297	348	...	...	27	31	270	317	90·91	91·09
	Shwebo	862	1,204	...	21	102	275	760	908	88·17	75·41
	Total ...	6,907	7,073	9	104	250	483	6,650	7,386	96·28	92 64
CENTRAL.	Ye-u	377	402	1	...	63	68	313	334	83·02	83·08
	Sagaing	794	943	...	2	3	5	791	936	99·62	99·26
	Lower Chindwin	550	653	...	2	12	10	538	641	97·82	98·16
	Upper Chindwin	470	499	5	...	27	5	438	494	93·19	90·00
	Total ...	2,191	2,497	6	4	105	88	2,080	2,405	94·93	96·32
SOUTHERN.	Myingyan	1,037	1,240	20	24	68	25	949	1,188	91·51	95·81
	Pakôkku	963	1,278	...	34	72	45	891	1,199	92·52	93·82
	Minbu	958	900	7	10	68	64	863	826	90·08	91·86
	Magwe	1,310	1,153	...	42	41	18	1,269	1,093	96·87	94·80
	Total ...	4,268	4,580	27	110	269	155	3,972	4,315	93·06	94·21
EASTERN.	Kyaukse	875	595	...	14	8	10	567	571	98·61	95·97
	Meiktila	843	978	4	25	9	25	830	928	98·46	94·89
	Yamèthin	782	783	5	3	9	7	768	773	98·21	98·73
	Pyinmana	908	937	3	2	7	15	658	920	98·50	97·33
	Total ...	2,808	2,903	12	44	33	57	2,823	2,892	98·43	98·03
	GRAND TOTAL ...	16,234	18,043	54	262	657	783	15,525	16,098	95·63	94·21

The number of reported cases continues to increase, but the increase, 1,809, is moderate, considering the better registration of crime and the addition of petty offences caused by the extension and the stricter working of local laws. The

increase is trifling in every division except the Northern, and here the spread of regular administration which in one way or another has affected each district but Mandalay has to be taken into account.

There is an improvement in the record of cases rejected under section 203, Code of Criminal Procedure, but it is still imperfect, as inspection of many complaint registers shows. The proper entry is frequently not made in the register and consequently the returns cannot be accurately compiled. Attention has been called to the point.

Cases which should be rejected are admitted to trial, sometimes, because of the perfunctory examination of the complainant, sometimes because of the timidity of Burmese Magistrates in acting on the provisions of the law.

In one Court the Deputy Commissioner, Pyinmana, found only two convictions out of twenty complaints. The Deputy Commissioner, Mandalay, has also to complain of Magistrates not sufficiently exercising the discretion given them.

In the Central Division the provisions of section 203 of the Code of Criminal Procedure have been almost entirely overlooked.

The attention of Magistrates was called to this matter in last year's report and the subject has again been brought to their notice.

The number of false cases has risen but slightly. In examining the police general register of crime, I have found that District Magistrates are for the most part careful to give orders as to the correct entry of cases. The figures in the table seem to indicate, however, that the same system is not followed in all districts.

In Sagaing only ·53 of the cases reported are returned as false. The Commissioner calls the number of false cases surprisingly small. In Mandalay, where, if anywhere, false cases might be expected to abound, the percentage of false to true is only 1·6, while in Katha it is 10·9 and in Minbu upwards of 7·. In Mandalay allowance has to be made for the large proportion of offences under special and local laws, but even so the actual number of cases returned as false seems remarkably low in comparison with other places. In Ye-u the proportion is as much as 17 per cent. The Commissioner discovered on inspection of the Ye-u courts that when on enquiry reported thefts, especially cattle-thefts, turned out to be no cases at all, they were entered as cases proved to be false and thus the whole volume of crime was swollen.

In Shwebo the same mistake seems to have been made, the proportion of cases entered as false being nearly 23 per cent. This error should disappear from future returns.

The general percentage of true to reported cases is 1·43 less than in the year before.

The figures which have been obtained from the Inspector-General of Police differ from those in the statement by 2,566, being 15,477 as against 18,043. I have no means at present of accounting for so large a difference.

In several districts the judicial and police statistics are reported to agree and in others the discrepancies are not great. I asked each District Magistrate to send me a copy of his annual police return of crime with an explanation of any discrepancies between it and the judicial statement. The differences thus revealed are generally such as are unavoidable. But in some instances sufficient care has not been taken to avoid disagreement. In Mandalay there was a difference of as many as 427 cases which the Deputy Commissioner on comparison of his books with the police registers reduced to 28, but whether the police returns sent in to the Inspector-General of Police have been corrected or not accordingly I do not know. Similarly in Myingyan a discrepancy of over 100 cases was reduced to 28. In the Ruby Mines several cases were left out of the police return by oversight. Perhaps this has been rectified. In Minbu the police return was sent in while the District Magistrate was absent and was consequently not checked by him. There is a want of collaboration between the District Magistrate's office and the police office which might be remedied. In 1891, it is said, the Lower Chindwin police and judicial figures of cattle-theft agreed, but different figures appeared in the provincial police report.

The check register is not always correctly kept up. Non-cognizable cases have been entered in the police general register of crime and have been transferred thence to the check register, although they have never gone before a Magistrate and may not be true cases at all. Endeavour has been made during the year to rectify these and other faults, but success is dependent upon the personal attention of District Magistrates to such matters. They are now required to reconcile their judicial statistics with the police quarterly returns and to report that they have done so.

One source of error is to be found in the treatment of minor offences, especially in the larger towns. The question how these can best be brought to account is now under discussion with the Inspector-General of Police.

3. The following table shows true offences reported under each class in the year 1892 as compared with the previous year :—

Division.	Name of district.	Year.	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII.	Offences by, or relating to, public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property-marks, Chapter XVIII.	Criminal breach of contract and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter, XXI.	Criminal intimidation, insult, or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported.	Remarks.
NORTHERN.	Mandalay	1891	...	...	13	9	12	20	1	...	110	5	317	1,028	2	10	7	11	30	3,125	4,700	
		1892	1	...	11	8	7	36	1	1	78	4	347	1,088	3	2	13	15	60	3,017	4,692	
	Bhamo	1891	...	...	8	...	4	13	...	...	18	1	80	125	...	...	4	3	7	170	433	
		1892	4	...	1	1	5	14	...	...	7	1	85	244	...	1	4	2	16	206	591	
	Katha	1891	1	...	5	...	3	9	1	...	14	1	52	300	...	...	3	...	7	91	487	
		1893	6	...	1	8	12	26	...	3	26	...	108	494	1	...	2	3	21	167	878	
	Ruby Mines	1891	2	...	...	3	1	7	...	...	6	1	33	92	...	1	2	1	3	118	270	
		1892	...	...	2	...	...	17	...	...	1	...	32	161	...	...	...	1	7	96	317	
	Shwebo	1891	...	...	6	...	5	16	3	...	32	...	121	408	1	...	3	1	6	156	760	
		1892	...	...	10	1	9	7	1	...	13	...	105	587	1	7	...	4	20	143	906	
	Total	1891	3	...	32	12	25	65	5	...	180	8	603	1,953	3	11	19	16	53	3,662	6,650	
		1892	11	...	25	18	33	100	2	4	125	5	677	2,574	5	10	19	25	124	3,629	7,386	
CENTRAL.	Ye-u	1891	1	...	...	5	3	12	1	1	28	2	47	89	...	...	2	2	15	105	313	
		1892	...	...	...	4	3	13	2	...	26	1	36	173	...	...	3	...	7	66	334	
	Sagaing	1891	2	...	6	17	8	15	2	...	27	10	110	386	3	...	2	7	26	170	791	
		1892	...	...	6	12	7	19	...	...	54	4	127	416	...	...	9	3	20	259	936	
	Lower Chindwin	1891	...	...	1	13	4	14	2	...	14	...	61	272	1	...	2	2	27	105	538	
		1892	2	...	2	4	7	5	1	...	16	...	87	328	...	...	9	9	23	150	641	
	Upper Chindwin	1891	...	...	1	8	7	17	...	...	16	...	65	201	...	...	3	8	8	104	438	
		1892	2	...	2	2	8	11	...	...	25	...	62	266	1	...	4	8	12	91	494	
	Total	1891	3	...	8	43	22	58	5	1	85	12	303	948	4	...	9	19	76	484	2,060	
		1892	2	...	10	22	25	46	3	...	121	5	312	1,183	1	...	25	20	62	566	2,405	

| | | |

Offences against the State have increased by five, for which the frontier districts of Bhamo and the Upper Chindwin and Katha in consequence of the Wuntho rebellion are chiefly responsible. Such cases are to be expected in these parts of the country. Several of the other cases were old ones.

The decrease in contempts of the lawful authority of public servants is satisfactory. It is most marked in Magwe. Upper Burmans are somewhat addicted to this description of offence.

The offence of false evidence has not generally risen to any extent, but there is a considerable increase in Mandalay, Katha, and the Ruby Mines. It follows the footstep of the Native of India. Perhaps prosecutions are not frequent enough.

Offences against the coin show a decrease which is gratifying if detection has not fallen off.

There is of course an increase in the number of offences affecting the human body and of offences against property. Complaints of assault are freely taken to Court, and the police give such encouragement as they can by entertaining charges under section 324, Indian Penal Code, if almost any kind of weapon is used. The Deputy Commissioner, Magwe, attributes the decrease of hurt cases in that district to the police now discriminating between cognizable and non-cognizable offences. Some Magistrates unduly stimulate such complaints by imposing heavy fines and awarding excessive amounts in compensation. Otherwise they give an opportunity to the complainant to squeeze money out of the accused by compounding the case, and this is one reason why postponements should be carefully watched.

Petty thefts are more commonly reported than they used to be, and perhaps the police are sometimes too officious about them. The Deputy Commissioner, Kyaukse, thinks the beat patrol system has brought to light cases that the parties thought were not worth the trouble of reporting. The hope of recovering the property lost is supposed to be one reason why information of small thefts is given to the police.

The increases under the head of special and local laws are very small.

In Mandalay in spite of stricter municipal rules there were 108 fewer cases than in the year before.

Pakôkku gives the largest increase of any district.

There has been increased activity under the Opium and Excise Acts; and the Gambling Act, the Forest Regulation, the Ruby Regulation, and the Railway Act have contributed their share of cases.

The Deputy Commissioner, Mandalay, thinks gambling is responsible for much petty crime, and the Commissioner, Northern Division, considers that the corruption and oppression of the police have much to do with the increase. If this be so, the control of the District Magistrate should be vigorously exercised.

4. The annexed tables show, district by district, the principal offences against the person and against property for the past two years.

Offences affecting the human body.

Offence.	No. of head of crime.	True cases.																																	
		Mandalay.		Bhamo.		Katha.		Ruby Mines.		Shwebo.		Ye-u.		Sagaing.		Lower Chindwin.		Upper Chindwin.		Myingyan.		Pakôkku.		Minbu.		Magwe.		Kyaukse.		Meiktila.		Yamèthin.		Pyinmana.		Total.	
		1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.
Murder	20	12	10	5	12	5	3	1	4	3	...	2	1	3	1	5	5	2	2	1	1	14	2	7	5	4	3	2	3	5	1	4	1	4	...	79	54
Attempt at murder	21	1	...	1	1	...	...	...	...	...	...	...	...	...	1	1	...	1	...	1	1	2	...	1	...	...	1	1	...	1	...	...	...	1	1	11	5
Culpable homicide	22	1	4	1	...	...	...	...	...	...	...	1	...	1	...	...	...	...	...	...	...	2	...	2	...	...	...	...	...	...	...	...	...	...	1	8	5
Attempt at culpable homicide	24	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1
Grievous hurt	32	10	10	6	2	3	6	5	1	5	4	3	5	7	8	5	2	3	2	12	6	3	9	6	2	4	4	2	5	4	3	2	3	10	4	90	76
Rape	42	3	7	...	2	...	4	...	...	...	3	3	4	10	4	...	1	4	2	8	5	4	7	6	9	4	3	5	5	6	1	2	2	3	2	58	61
Unnatural offence	43	...	...	1	...	...	...	...	...	1	...	...	...	1	...	...	...	1	...	1	1	...	...	...	...	...	1	...	...	...	...	2	...	...	...	7	2
Hurt	33	95	127	18	12	15	28	15	15	54	47	10	9	18	27	28	47	19	20	49	68	37	33	58	58	143	67	28	28	14	34	24	46	23	35	641	701
Criminal force and assault	36	172	164	36	49	20	51	10	10	54	44	19	15	55	77	32	26	29	33	55	106	84	92	66	66	104	57	49	51	85	129	51	58	37	46	958	1,073

Cases of hurt and assault have increased, or probably it may be said with greater correctness that more of them have been brought to court. In Myingyan assault cases have nearly doubled, while in Magwe hurt and assault cases are only about half the number they were the year before.

Reported rape cases have increased by three, but many are not genuine cases of rape.

Other offences against the human body have diminished to a satisfactory extent, grievous hurt by 14 cases and murder and culpable homicide and attempts at those offences by 33. A certain number of these crimes are committed by Indians and other non-Burmans.

Offences against property.

Offence	No. of head of crime.	True cases.																																	
		Mandalay.		Bhamo.		Katha.		Ruby Mines.		Shwebo.		Ye-u.		Sagaing.		Lower Chindwin.		Upper Chindwin.		Myingyan.		Pakôkku.		Minbu.		Magwe.		Kyaukse.		Meiktila.		Yamèthin.		Pyinmana.		Total.	
		1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.
Dacoity	52—55	8	8	19	28	54	16	11	29	4	3	6	3	4	3	...	1	18	7	8	3	8	5	6	3	6	4	6	2	3	1	5	2	6	1	172	119
Robbery, including attempts ...	49—51	37	31	...	19	10	13	9	10	9	11	2	5	17	14	...	7	2	1	22	2	6	9	24	15	18	13	15	7	20	4	12	4	7	6	210	171
Housebreaking and lurking house-trespass.	66—68	75	69	5	14	1	14	15	8	8	14	1	5	20	23	12	21	9	8	12	25	10	14	63	43	15	8	5	23	23	22	12	3	7	15	293	329
Other house-trespass	64 & 65	32	30	2	2	5	11	5	4	15	3	5	6	14	9	8	9	3	6	24	25	12	18	6	9	12	14	12	9	7	9	5	15	4	4	171	183
Criminal trespass	63	22	30	1	...	...	4	...	...	5	3	6	3	31	29	12	25	3	5	45	53	52	82	9	25	70	74	1	15	39	55	33	59	25	19	354	481
Cattle-theft	44	120	86	15	...	61	69	1	26	69	201	8	45	39	44	43	31	15	19	88	73	97	49	53	58	102	105	27	24	83	40	75	39	29	43	925	952
Other thefts and receiving stolen property.	45—58	625	643	57	154	141	317	40	77	275	315	39	92	190	136	164	195	133	188	361	348	75	161	157	185	378	305	112	175	207	229	170	155	195	201	3,219	3,956

The more serious crimes against property, dacoity and robbery, go on decreasing. There were 53 fewer dacoities and 39 fewer robberies in 1892 than in 1891, and even some of the cases included were old ones, while others were the same cases coming up more than once as further arrests were made. The most striking decrease is in Katha, from 54 dacoities to 16, which shows how quickly the country has quieted down after the absorption of Wuntho.

Dacoity has increased in Bhamo and the Ruby Mines, and by one case in the Lower Chindwin, while in Mandalay it is stationary and in every other district it has diminished. Robbery has increased in Bhamo, Katha, the Ruby Mines, Shwebo, Ye-u, the Lower Chindwin, and Pakôkku, while other districts show an improvement, particularly Mandalay, Myingyan, Minbu, Kyauksè, Meiktila, and Yamèthin.

In Minbu Nga Chet Gyi, a dacoit, who disappeared in 1889, returned towards the end of last year with four followers and resumed his career of violent crime.

The only other regular gang mentioned is that of Nga Kin, in Pakôkku, which was broken up during the year.

Housebreaking gives an increase of 35 cases, which is probably a good deal under the mark, as the police commonly and Magistrates frequently treat cases of this kind under section 380, Indian Penal Code, and the decreases shown in some districts are very likely due to wrong classification.

The minor kinds of trespass increase. Although common trespass is cognizable by the police, the cases are almost invariably taken direct to the Magistrate, which is perhaps as well where so many relate to disputed possession. The return of persons from the emigration that took place after the annexation and their attempts to re-possess themselves of land which others have been cultivating in their absence lead to many of these disputes.

In Kyauksè many disputes arise about the right of occupancy of State land.

Cattle-theft has diminished by 27 cases.

The worst increase, 132, is in Shwebo, which has always been notorious for this form of crime. Ye-u comes next with an increase of 37, and in the Ruby Mines there have been 26 cases against one.

Mandalay has effected a reduction of 34 cattle-thefts, Pakôkku of 48, Meiktila of 43, and Yamèthin of 36. In Pakôkku only 18 cases belonged to the year, the rest being old.

The increase in Shwebo is put down to the prolonged scarcity, and although the track law is systematically worked in that district it has been ineffectual in stopping this species of crime.

Minbu and Magwe, too, show a small increase, though the track law has been in due operation in those districts also. In Ye-u a comparison of the figures of previous years is misleading because of differences in the system of entering reports of lost cattle. It seems that the returns of cattle-theft are inflated because many animals suffer from what the Deputy Commissioner, Ye-u, calls the complaint of nostalgia.

Cattle stolen are frequently slaughtered, either to avoid detection or to satisfy a craving for animal food. It is said that this is never done from sheer hunger. The scarcity is believed to have stimulated cattle-theft in this way that cultivators having been forced to part with their animals have been anxious afterwards to buy others to replace them at a low price without asking questions about where they come from.

Ordinary theft has risen by 736 cases. Bhamo and Katha show considerable increases, as is natural, a larger area having come under police administration, and there is also a considerable increase in Myingyan, Pakôkku, and Kyauksè. Systematic theft is carried on in large towns and in places of public resort. I take the following extract from the judgment of a Magistrate who recently convicted two young girls of stealing money from one of the customers in a market:—

"They came to the bazaar in a gang with the sole object of committing thefts, which offences have become of late very common. The girls are accompanied by their elderly relatives, who make them commit the crimes thinking that children would be let off with

a light punishment even if caught. This Court has of late been punishing young female offenders with small fines following the instructions of a circular recently issued by the Judicial Commissioner, but that kind of punishment does not seem to have a deterrent effect on the evil-doers, and cases of this nature are getting rather prevalent. I think it therefore seems expedient to mete out a severer punishment in future."

Another case recently came under my notice in which a young boy, who was an habitual offender, took two other boys out with him to teach them to steal.

It seems deserving of consideration whether something cannot be done to prevent children from falling into the hands of Fagins and Artful Dodgers to be brought up to a life of crime. The Reformatory School Act might be brought into force as soon as suitable accommodation has been provided. At present Magistrates can only proceed under section 399 of the Code of Criminal Procedure.

SECTION II.—TRIBUNALS AND WORK DONE BY THEM.

5. The following table shows the number of Sessions and Additional Sessions Judges, and the effective strength of the magistracy at the close of the year:—

Number and distribution of Judges and Magistrates.

Division.	Name of district.	Judges.		Stipendiary Magistrates.				Special Magistrates.				Honorary Magistrates including Benches.			
		Sessions Judges.	Additional Sessions Judges.	First class including Deputy Commissioners.	Second class.	Third class.	Total.	First class.	Second class.	Third class.	Total.	First class.	Second class.	Third class.	Total.
Northern.	Mandalay... ...	1	...	6	5	6	17	...	...	...	...	...	...	13	13
	Bhamo	...	...	3	7	4	14	...	...	...	...	...	...	...	...
	Katha	...	...	5	3	10	18	...	...	...	...	...	...	...	...
	Ruby Mines ...	...	...	3	1	1	5	...	...	...	...	...	...	...	...
	Shwebo	...	...	4	4	2	10	...	...	...	...	...	...	...	...
	Total ...	1	...	21	20	23	64	...	...	...	...	...	...	13	13
Central.	Ye-u	...	...	2	1	5	8	1	...	...	1	...	...	...	...
	Sagaing	1	...	4	6	2	12	...	...	...	...	...	...	...	...
	Lower Chindwin ...	...	...	4	4	2	10	...	...	...	...	...	...	...	...
	Upper Chindwin ...	...	...	5	1	7	13	1	...	...	1	...	...	...	...
	Total ...	1	...	15	12	16	43	2	...	...	2	...	...	...	...
Southern.	Myingyan... ...	...	...	4	8	1	13	...	...	7*	7	...	...	7	7
	Pakôkku	...	1	5	6	4	15	...	...	...	...	...	11	...	11
	Minbu	1	...	2	7	3	12	...	...	1	1	...	...	...	...
	Magwe	...	...	4	5	3	12	...	...	...	..	...	...	...	...
	Total ...	1	1	15	26	11	52	...	...	8	8	...	11	7	18
Eastern.	Kyaukse	...	...	3	4	2	9	...	...	...	...	...	...	...	...
	Meiktila	1	...	3	4	3	10	...	...	...	...	...	...	...	...
	Yamèthin... ...	...	...	3	3	1	7	...	2	...	2	...	...	...	...
	Pyinmana... ...	...	...	2	4	...	6	...	...	...	...	...	...	...	...
	Total ...	1	...	11	15	6	32	...	2	...	2	...	...	...	...
	GRAND TOTAL ...	4	1	62	73	56	191	2	2	8	12	...	11	20	31

* Cantonment Magistrate one and six Thugyi Magistrates.

The Additional Sessions Judge was the Sessions Judge of the Central Division who tried cases in Pakôkku when the District Magistrate of that district became Sessions Judge of the Southern Division.

The staff of Stipendiary Magistrates has been raised by 16, but only in the 3rd class.

The number of Honorary Magistrates was the same as in the previous year and the number of benches, three, remained the same. The Honorary Magistrates, Mandalay, tried 2,067 cases, the Bench at Pakôkku 186, and that at Myingyan only nine. The small number of cases tried at Myingyan was due partly to the absence of stringency in enforcing municipal rules, and partly to the want of an office establishment and proper accommodation. The District Magistrate, Pakôkku, complains of the Bench there being rather lenient. In Mandalay the enquiry made by the Bench in some cases was considered rather too summary. The Special Magistrates in Myingyan, who are thugyis, do not try cases; but they record confessions and grant remands.

The Deputy Commissioner, Pyinmana, proposes to have a Bench of Honorary Magistrates.

The Deputy Commissioner, Pakôkku, wants a special Magistrate for the town.

6. The following table shows the result of trials and enquiries by Magistrates in each district:—

Division.	Name of district.	Persons under trial.	Convicted, or committed, or referred.	Acquitted or discharged.	Died, escaped, transferred, or remaining.	Percentage of convictions, committals, references, to total tried.	
						1891.	1892.
Northern...	Mandalay	5,988	3,917	1,969	102	79·50	66·55
	Bhamo	782	478	289	15	78·41	62·32
	Katha	1,056	753	271	32	73·38	73·54
	Ruby Mines	356	258	95	3	76·32	73·09
	Shwebo	891	513	339	39	55·51	60·21
	Total ...	9,078	5,919	2,963	191	75·94	66·64
Central ...	Ye-u	401	237	158	6	66·56	60·00
	Sagaing	1,690	1,114	549	27	62·68	66·99
	Lower Chindwin	767	459	303	5	66·58	60·24
	Upper Chindwin	619	430	180	9	67·09	70·49
	Total ...	3,477	2,240	1,190	47	65·03	65·31
Southern ...	Myingyan	1,709	959	723	27	56·50	57·02
	Pakôkku	2,024	1,197	746	81	60·12	61·61
	Minbu	1,198	683	485	25	60·11	58·48
	Magwe	1,405	818	568	19	60·95	59·02
	Total ...	6,331	3,657	2,522	152	59·45	59·18
Eastern ...	Kyauksè	955	646	305	4	70·28	67·93
	Meiktila	1,353	679	643	31	57·15	51·86
	Yamethin	1,497	875	577	45	59·98	60·26
	Pyinmana	897	475	377	45	57·11	55·75
	Total ...	4,702	2,675	1,902	125	60·65	58·44
	Grand Total ...	23,583	14,491	8,577	515	67·18	62·82

Cases disposed of by Magistrates under summary powers.

Division.	Name of district.	Total number of trials.		Number of summary trials.		Percentage of cases tried summarily to total cases tried.
		Cases.	Persons.	Cases.	Persons.	
Northern...	Mandalay	4,565	6,127	2,389	2,481	52·33
	Bhamo	452	770	45	75	9·96
	Katha	652	1,048	14	15	2·15
	Ruby Mines	213	353	56	96	26·29
	Shwebo	482	852	39	52	8·09
	Total ...	6,364	9,150	2,543	2,719	39·96
Central ...	Ye-u	217	401	3	3	1·38
	Sagaing	851	1,709	5	9	·59
	Lower Chindwin	472	785	49	102	10·38
	Upper Chindwin	341	617	12	42	3·52
	Total ...	1,881	3,512	69	156	3·67
Southern ...	Myingyan	1,011	1,720	8	12	·79
	Pakôkku	1,064	1,981	187	392	17·58
	Minbu	704	1,184	11	15	1·56
	Magwe	815	1,400	115	179	14·11
	Total ...	3,594	6,285	321	598	8·93
Eastern ..	Kyauksè	463	1,174	5	5	1·08
	Meiktila	821	1,355	13	14	1·58
	Yamèthin	724	1,464	1	1	·14
	Pyinmana	493	868	12	24	2·43
	Total ..	2,501	4,861	31	44	1·24
	Grand Total ...	14,340	23,808	2,964	3,517	20·67

The increase in the number of persons brought to trial over the previous year, 846, is not large. The falling off in the percentage of conviction from 67·18 to 62·82 is unsatisfactory, but it is not possible to tell exactly what it indicates when so many cases are compounded. The suggestion may be offered whether it would not be advisable to exclude compounded cases from the returns, or to exhibit them separately.

As already observed, however, many Magistrates admit complaints without sufficient scrutiny, and I have reason to believe that a number of cases under section 447, Indian Penal Code, in which there ought to have been a conviction, have been wrongly thrown out on the ground that they belonged to the Civil Courts. I found it necessary to issue instructions on this subject.

The falling off in the percentage of conviction has occurred in Mandalay 12·95, Bhamo 11·09, Ruby Mines 3·23, Ye-u 6·56, Lower Chindwin 6·34, and Meiktila 5·79, districts, and to a slight extent in Magwe, Minbu, Kyauksè, and Pyinmana.

The Deputy Commissioner, Mandalay, remarks that of the persons under trial by the Assistant Magistrate, nearly a third, and of those under trial by the Junior Assistant Magistrate, more than half, were acquitted or discharged. He thinks the Magistrate's want of experience and the peculiarities of the Upper Burman have something to do with the matter.

The Deputy Commissioner, Meiktila, is unable to account for the falling off in conviction in his district, and in other districts there seems to be no adequate explanation. The Commissioner, Eastern Division, thinks " a great portion of it must be attributed to the fact that police officers do not devote sufficient personal attention to the detection and investigation of cases. Cases are conse-

quently sent up to Court on unsatisfactory evidence or all the evidence which could have been obtained is not produced."

The Commissioner, Central Division, in comparing the percentage of convictions at headquarters and out-stations in the Lower Chindwin is led to the conclusion that cases at headquarters are either more carefully prepared or better prosecuted by the police.

The matter is of great importance and claims the serious attention of District Magistrates.

Except in Mandalay and Pakôkku, where there are Benches of Magistrates, and at Mogôk the proportion of summary trials is small.

7. Cases in which security was demanded for good behaviour in the past two years (Chapter VIII, Code of Criminal Procedure) are shown below.

Division.	Name of district.	Persons concerned.		Persons discharged.		Persons convicted.		Percentage of persons convicted to total number of persons concerned.	
		1891.	1892.	1891.	1892.	1891.	1892.	1891.	1892.
Northern.	Mandalay	65	107	28	43	36	64	55·38	59·81
	Bhamo	6	2	6	1	..	1	...	50·00
	Katha	8	34	1	8	6	20	75·00	58·82
	Ruby Mines	2	3	...	1	2	2	100·00	66·67
	Shwebo	...	10	...	2	...	8	...	80·00
	Total ...	81	156	35	55	44	95	54·32	60·90
Central.	Ye-u	14	5	7	4	7	1	50·00	20·00
	Sagaing	12	4	4	...	8	4	66·67	100·00
	Lower Chindwin	14	25	2	8	12	17	85·71	68·00
	Upper Chindwin	14	3	6	2	8	1	57·14	33·33
	Total ...	54	37	19	14	35	23	64·81	62·16
Southern.	Myingyan	8	2	1	2	7	...	87·50	...
	Pakôkku	12	14	7	6	5	6	41·67	42·86
	Minbu	46	34	16	14	30	20	65·22	58·82
	Magwe	32	23	5	4	27	19	84·37	82·60
	Total ...	98	73	29	26	69	45	70·41	61·64
Eastern.	Kyauksè	16	4	8	3	13	1	81·25	25·00
	Meiktila	73	30	44	13	28	17	38·36	56·67
	Yamèthin	52	47	16	10	32	37	61·54	78·72
	Pyinmana	30	2	9	1	30	1	76·92	50·00
	Total ...	180	83	72	27	103	56	57·22	67·47
	Grand Total ...	413	349	155	122	251	219	60·77	62·75

The preventive provisions of the law have been even less worked than in the previous year. Except in Mandalay, Katha, the Lower Chindwin, Minbu, Magwe, Meiktila, and Yamèthin, the number of proceedings under Chapter VIII of the Code of Criminal Procedure has been insignificant. More energy has been displayed in Mandalay than in the previous year, and it was certainly wanted. The Deputy Commissioner, Mandalay says: "Here, there is no doubt, we have a large number of persons who under a less energetic and enlightened rule lived on others without interference; still given to crime from inability to exert themselves to honest work, they have lived too long by dishonest means to reform, and they still carry on hoping to escape detection, and hence the amount of petty thefts is large." These remarks come under the head of "Offences against property," but I place them here as they show the existence of the very class of criminals against which the preventive powers given by law should be exercised. In the large towns the precaution of requiring security for good-behaviour is especially required; in the villages much can be done under the Village Regulation. The Commissioner, Eastern Division

thinks that sufficient attention has not been paid to the matter by District Magistrates and District Superintendents of Police where there has been an increase of ordinary theft.

The percentage of successful prosecution is best in Sagaing, Magwe, Shwebo, and Yamèthin. Elsewhere it is poor. The usual difficulty occurs in procuring evidence, either from fear or pity, as the Deputy Commissioner, Meiktila, says. It seems to be general throughout India, for the Honorable Sir Philip Hutchins in his speech on the Habitual Offenders Bill stated:—

"It has been said that the police will have no difficulty in finding any number of witnesses to make out an obnoxious person to be an habitual; but as a matter of fact, so far as my experience goes, this is a case in which witnesses are especially averse to come forward. A man's neighbours often know him to be a dangerous criminal, and will tell you so out of Court and pray earnestly for protection against him; but they are afraid to come forward as witnesses, knowing that at the worst he will give security, while the more dangerous his character the more certain he is to wreak vengeance on those who depose against him."

A case is mentioned in the Lower Chindwin, in which a man had committed 14 thefts and yet no one would come forward against him. Some complaint is made of the restriction put on prosecutions for bad livelihood by the present rules, and it is said that men get wind that they are to be proceeded against and then take to work so as to be able to show they have a means of livelihood. In Magwe there is stated to have been more scrutiny before cases have been sent up. The Deputy Commissioner, Bhamo, regards some Kachins as proper objects for security, but the condition of the Kachin hills does not as yet enable him to carry out his views.

8. This table shows the result of trials before Sessions Judges.

Sessions Division.	Cases committed.	Persons committed.	Number of persons			Percentage of convictions (column 4) to total disposed of (columns 4 and 5).
			Convicted or referred under section 374, C. P.	Acquitted.	Died, escaped, transferred, or pending.	
1	2	3	4	5	6	7
Northern, Mandalay	48	79	50	25	4	66·67
Central, Sagaing	19	29	22	4	3	84·62
Southern, Minbu	39	89	47	37	5	55·95
Eastern, Meiktila	13	22	12	9	1	57·14
Total ...	119	219	131	75	13	63·59

With the decrease of crime there have been 30 fewer cases and 74 fewer persons for Sessions Courts to try. Even so, too many persons have been committed, for the percentage of conviction has fallen from 76·81 to 63·59.

The percentage is best in the Central Division. In the Southern and Eastern Divisions it is unduly low.

The remarks of the Commissioner, Eastern Division, about the percentage of conviction in general would apply to sessions cases, but it would also appear, as remarked by the Commissioner, Northern Division, that Magistrates are sometimes too much inclined to commit doubtful cases for trial.

9. Table showing the number of persons referred to Sessions under sections 34 and 123, Criminal Procedure Code.

Sessions Division.	Number of cases referred.	Number of persons referred.	Number of persons			Percentage of convictions (column 4) to total disposed of (columns 4 and 5.)
			Convicted.	Acquitted.	Died, transferred, or pending.	
1	2	3	4	5	6	7
Northern, Mandalay	28	50	46	4	...	92·00
Central, Sagaing	12	22	22	...	...	100·00
Southern, Minbu	16	28	26	2	...	92·86
Eastern, Meiktila	17	36	35	...	1	100·00
Total ...	73	136	129	6	1	95·56

All the convictions and sentences were confirmed in the Central and Eastern Divisions and the percentage of confirmation in the other divisions was very high. It may be doubted whether Courts of Sessions are not too reluctant to interfere in reference cases.

10. Table showing the results of trials by District Magistrates under their special powers.

District and name of Magistrate.	Total number of persons brought to trial and disposed of.	Number of persons			Number of persons whose sentences were confirmed by Sessions Court.	Number of persons whose sentences were not confirmed by the Sessions Court.		Number of persons whose sentences were reversed or modified by the Judicial Commissioner on appeal.			Remarks.
		Referred to Court of Session.	Otherwise convicted.	Acquitted or discharged.		Reversed.	Reduced.	Reversed.	Modified.	Total.	
Mandalay, K. G. Burne	16	15	...	1	10	(*a*) 1	4	...	1	1	(*a*) Re-trial ordered.
Bhamo, E. C. S. George and J. M. T. George.	40	21	15	4	20	(*b*) 1	...	2	2	4	(*b*) Re-trial ordered.
Katha, G. G. Collins and D. Ross	42	7	20	15	7	...	...	...	...	...	
Ruby Mines, N. G. Cholmeley	7	5	1	1	4	(*c*) 1	...	...	...	...	(*c*) Committal to Sessions ordered.
Shwebo, G. W. Shaw	14	2	11	1	2	...	...	...	...	...	
Total ...	119	50	47	22	43	3	4	2	3	5	
Ye-u, R. C. Stevenson	10	6	1	3	6	...	...	1	1	2	
Sagaing, B. K. S. McDermott	11	8	3	...	7	1	...	...	...	...	
Lower Chindwin, G. S. Eyre	8	8	...	...	8	...	...	1	...	1	
Upper Chindwin, H. L. Tilly	10	...	10	...	...	...	...	...	...	...	
Total ...	39	22	14	3	21	1	...	2	1	3	
Myingyan, A. T. A. Shaw and D. H. R. Twomey.	2	2	...	...	2	...	...	...	...	...	
Pakôkku {A. R. Birks	3	3	...	...	3	...	...	...	1	1	
{L. H. Eliott	8	8	...	...	8	...	...	3	...	3	
Minbu, H. S. Hartnoll	17	3	10	4	3	...	...	...	1	1	
Magwe, Messrs Todd-Naylor, E. C. Townsend, and H. L. Eales.	17	10	7	...	10	...	..	2	4	6	
Total ...	47	26	17	4	26	...	...	5	6	11	
Kyaukse, W. A. W. Strickland	7	7	...	...	4	...	3	2	...	2	
Meiktila, J. J. Cronin and H. Adamson ...	23	3	16	4	3	...	...	...	...	...	
Yamèthin, G. Carmichael	18	14	4	...	13	...	1	2	...	2	
Pyinmana, A. S. Fleming	9	6	2	1	6	...	...	...	4	4	
Total ...	57	30	22	5	26	...	4	4	4	8	
GRAND TOTAL ...	262	*128	100	34	116	4	8	13	14	27	Two re-trials and one committal to Sessions ordered.

* Exclusive of cases referred under section 123, C. C. P., and pending cases for 1891.

The table above has been prepared to show the work done by District Magistrates in the exercise of the powers conferred on them under section 30 of the Code of Criminal Procedure.

District Magistrates have included in their figures persons committed for trial to the Court of Session and persons pending trial at the end of the year, but both these have been struck out here.

As might be expected, the heaviest work of this kind fell to the District Magistrates of Katha and Bhamo. The District Magistrate, Ruby Mines, would have had more cases to try if the criminals of his district could have been caught before escaping over the borders. The results of appeal have been added so as to exhibit together all the most important particulars concerning trials by District Magistrates under their special powers.

There is no similar statement for the previous year with which to make comparisons.

SECTION III.—PUNISHMENT.

11. Statement No. 5 shows details of the punishments inflicted by Sessions and Magisterial Courts during the year.

The following table compares the sentences passed in Sessions Courts in the past two years:—

Punishments in Sessions Courts.

Class of punishment.	1891.	1892.
Death	28*	11*
Transportation for life	78	45
Transportation for a term	46	15
Rigorous imprisonment only	151	42
Simple imprisonment only	...	1
Fine only	1	1
Whipping only	...	2
Fine and whipping only	...	...
Rigorous imprisonment with fine	8	10
Rigorous imprisonment with whipping	19	7
Simple imprisonment with fine	...	...
Total	326	184

* Sentences confirmed by the Judicial Commissioner.

Sentences of death were only 11, 17 less than in 1891.

Sentences of transportation were only half as many as they were the previous year.

With so little crime as there is at present very severe sentences are not ordinarily required.

Numbers of men who received long sentences in the earlier days of the annexation have been conditionally pardoned and released.

It is better now that moderate sentences should be inflicted and should be fully carried out.

12. The following table shows the different classes of punishments inflicted in Magisterial Courts:—

Division.	Name of district.	Total number of persons punished.	Fine only.		Whipping only.		Fine and whipping only.		Rigorous imprisonment only.		Simple imprisonment only.		Rigorous or simple imprisonment with fine or whipping or both.		Solitary confinement.	
			Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.
Northern	Mandalay	3,786	3,204	84·63	115	3·03	...	...	334	8·82	8	0·21	217	5·73	7	0·18
	Bhamo	445	210	47·19	23	5·17	...	...	180	40·45	31	6·97	38	8·54	...	...
	Katha	687	370	53·86	48	6·99	...	...	176	25·62	20	2·91	79	11·50	14	2·04
	Ruby Mines	250	122	48·80	9	3·60	...	...	77	30·80	3	1·20	39	15·60	1	0·40
	Shwebo	498	291	58·43	41	8·23	...	...	137	27·51	6	1·20	25	5·02	17	3·41
	Total ...	5,666	4,197	74·07	236	4·17	...	...	904	15·95	68	1·20	398	7·02	39	0·69
Central	Ye-u	229	119	51·97	9	3·93	...	..	62	27·07	2	0·87	37	16·16	7	3·06
	Sagaing	1,081	711	65·77	34	3·15	...	...	281	25·99	8	0·74	69	6·38	48	4·44
	Lower Chindwin ...	428	302	70·56	35	8·18	...	...	67	15·65	7	1·64	17	3·97	...	...
	Upper Chindwin ...	429	304	70·86	27	6·29	5	1·17	72	16·78	7	1·63	6	1·40	8	1·86
	Total ...	2,167	1,436	66·27	105	4·85	5	·23	482	22·24	24	1·11	129	5·95	63	2·90
Southern	Myingyan	920	560	60·87	43	4·67	...	...	225	24·46	14	1·52	77	8·37	1	0·11
	Pakôkku	1,128	840	74·46	27	2·39	...	...	186	16·49	6	0·53	68	6·03	7	0·62
	Minbu	605	410	67·77	45	7·44	...	...	108	17·85	13	2·14	24	3·97	...	...
	Magwe	772	473	61·27	50	6·48	...	...	225	29·15	6	0·78	28	3·63	3	0·39
	Total ...	3,425	2,283	66·67	165	4·82	...	...	744	21·72	39	1·14	197	5·75	11	0·32
Eastern	Kyauksè	636	467	73·43	32	5·03	...	...	132	20·75	12	1·89	23	3·62	...	...
	Meiktila	628	408	64·97	50	7·96	...	...	123	19·59	8	1·27	39	6·21	14	2·23
	Yamèthin	810	630	77·78	26	3·21	...	...	119	14·69	13	1·61	22	2·72	20	2·47
	Pyinmana	465	298	64·09	52	11·18	...	...	101	21·72	2	0·43	12	2·58	3	·65
	Total ...	2,539	1,803	71·01	160	6·30	...	...	475	18·71	35	1·37	96	3·78	37	1·46
	Grand Total ...	13,797	9,719	70·44	666	4·83	5	·04	2,605	18·88	166	1·20	820	5·94	150	1·09

There has been but slight variation in the proportions of the various kinds of punishment inflicted by Magistrates. Fine has been a little less resorted to, and whipping a little more. Magistrates have been instructed to employ corporal punishment when it is appropriate.

Whipping combined with fine has been inflicted only in the Upper Chindwin district. Explanation has been called for.

The percentages of rigorous imprisonment alone and of simple imprisonment alone are slightly above those of last year.

Solitary confinement has been ordered somewhat less frequently than in 1891. Accumulative sentences of solitary confinement have been imposed in a certain number of separate cases against the same convict contrary to the spirit of section 73, Indian Penal Code, and the terms in excess have had to be struck out in revision. The effectiveness of solitary confinement is open to doubt in regard to some jails where the construction of the solitary cells is unsatisfactory. In Meiktila they are said to be the most cool and comfortable places in the jail.

The proportion of fines to other punishments affords an index to the class of criminal work which mostly comes before the Courts in different districts. Thus in Mandalay the percentage of sentences of fine only is so high as 84·63, while in the Ruby Mines it goes down to 48·8 and in Bhamo to 47·19.

13. The degrees of punishment inflicted in Sessions and Magisterial Courts:—

Degrees of punishment in Sessions and Magisterial Courts.

Degree of punishment.	1891.		1892.	
	Persons.	Percentage.	Persons.	Percentage.
Imprisonment (a)—				
Not exceeding 15 days	265	7·33	321	8·97
Not exceeding six months	1,901	52·59	2,030	56·75
Not exceeding two years	1,115	30·84	933	26·08
Not exceeding seven years	304	8·41	286	8·00
Exceeding seven years	30	·83	7	·20
Total ...	3,615	100·00	3,577	100·00
Whipping (b)—				
Ten stripes and under	112	16·05	182	22·47
Eleven to 20 stripes	304	43·55	347	42·84
Twenty-one to 30 stripes	282	40·40	281	34·69
Total ..	698	100·00	810	100·00
Fine (c)—				
Rupees 10 and under	7,274	69·08	7,163	69·18
Rupees 50 and under	2,844	26·99	2,692	26·00
Rupees 100 and under	275	2·61	373	3·60
Rupees 500 and under	136	1·29	117	1·13
Rupees 1,000 and under	8	·08	9	0·09
Exceeding Rs. 1,000	...	...	...	...
Total ...	10,537	100·00	10,354	100·00

There is a satisfactory decrease in the length of sentences of imprisonment, 65·72 per cent. being under six months against 59·92 in the previous year. Gambling cases have had something to do with the number of short sentences of imprisonment. Sentences between six months and two years and between two years and seven have diminished.

For first offences imprisonment should be limited as far as is compatible with deterrent punishment.

Notwithstanding the warnings against the inefficacy of very light sentences of whipping, whippings under 10 stripes have increased from 16·05 to 22·47 per cent. Some Magistrates have passed merely nominal sentences of whipping, and attention has again been called to the matter.

No alteration has been made in the law by the new Criminal Justice Regulation under which any Magistrate may pass a sentence of whipping, and only Magistrates of the 3rd class need be specially empowered to do so by the local Government.

The variation in the proportions of the amounts of fine imposed from the previous year is trifling. The average amount of fine, Rs. 21, is still too high. The necessity for moderation has been constantly impressed on Magistrates during the year, but Burmese Magistrates are generally somewhat slow to learn how to adjust the amount of pecuniary penalty to the character of the offence and the means of the offender. They cannot get the arbitrary scales of the Dhammathats out of their heads. The scarcity is said to have induced some of them to lighten fines.

14. The next table shows how habitual offenders have been dealt with in the Criminal Courts:—

Number of times previously convicted.	NUMBER OF PERSONS SENTENCED TO									
		IMPRISONMENT OTHERWISE THAN IN DEFAULT OF FINE.								
	Transportation.	Above seven years.	Seven years and under.	Two years and under.	Six months and under.	Two months and under.	Fifteen days and under.	Fine only.	Whipping only.	Total.
1	2	3	4	5	6	7	8	9	10	11
Persons previously convicted once	...	...	12	43	31	6	4	8	14	118
Persons previously convicted twice.	...	...	12	22	4	1	...	1	1	41
Persons previously convicted three times.	...	...	2	3	...	...	...	...	...	5
Persons previously convicted four times.	...	...	1	...	...	...	...	...	...	1
Persons previously convicted five times.	...	...	...	...	...	...	...	...	...	...
Persons previously convicted six times.	...	...	...	...	...	...	...	...	...	...
Persons previously convicted seven times.	...	...	...	...	...	...	...	...	...	...
Persons previously convicted nine times.	...	...	...	...	...	...	...	...	...	...
Total ...	...	...	27	68	35	7	4	9	15	165

Habitual Offenders.

The number of habitual offenders disposed of has decreased from 247 to 165, the same number as in 1890.

There have been no sentences of over seven years imprisonment. In the resolution on the administration of jails in 1891, the Government of India observed that the figures seemed to show that many habitual criminals, who might appropriately have been sentenced to transportation, had escaped with sentences of imprisonment. Magistrates are probably reluctant to send any but serious cases before the Court of Session or District Magistrate. Special legislation with regard to the treatment of habitual criminals has now been undertaken.

15. The fines imposed, realized, remitted, and struck off as unrealizable in the past two years, and the amount of compensation given to complainant, is shown below.

	1891			1892		
	Rs.	A.	P.	Rs.	A.	P.
Imposed	1,75,926	14	6	1,62,231	1	8
Realized	1,33,829	11	4	1,29,116	8	3
Remitted	44,263	6	8	8,742	4	0
Struck off	41,108	7	5	53,302	0	5
Compensation granted	9,794	1	6	9,663	12	11

The decrease in the total amount of fines imposed so far as it indicates a diminution of the amount imposed in individual cases is satisfactory. Realization has improved from 78·63 per cent. to 79·59 per cent. The amount awarded in compensation gives a proportion of 5·96 per cent. against 5·57 per cent. in the previous year.

Generally speaking compensation seems to be readily enough granted. Instructions were issued to Magistrates on the point. In some instances too much is given, and complaints are encouraged which ought not to have come to Court, one party being just as much in the wrong as the other. The award of compensation by subordinate Magistrates wants watching. It is suggested that the amount shown as outstanding may be greater than it ought to be for want of comparison between Treasury and Court figures. The monthly judicial fine statement has now to be verified with the Treasury accounts by District Magistrates, and a fine register has been introduced, so that there should be a better check over fines in future.

SECTION IV.—WITNESSES.

16. The next table shows the detention of witnesses in Sessions and Magisterial Courts and the number of witnesses examined.

Examination and detention of witnesses in Sessions and Magisterial Courts.

Witnesses discharged in all Courts.	1891		1892		Number of witnesses examined.	
	Number.	Percentage to total witnesses discharged.	Number.	Percentage to total witnesses discharged.	1891	1892
First day	36,107	88·10	38,267	88·59	...	...
Second day	3,337	8·14	3,584	8·30	...	...
Third day	927	2·26	862	1·99	...	...
After third day	614	1·50	483	1·12	...	...
Total ...	40,985	100·00	43,196	100·00	36,416	37,393

The number of witnesses has of course increased. The detention has improved a trifle, but varies so little from that of the year before as to make the difference hardly noticeable. If it is correctly recorded it is very satisfactory. In many Courts the registers of attendance are accurately enough kept, but when it is found that attendance is wrongly calculated even in a Court of Session, doubt may be entertained of the statistics in general. In Mandalay the Deputy Commissioner says the witness register is his special object of attack, and so detention has gone up in his district. The register, no doubt, requires checking. Witnesses are more commonly paid their expenses than used to be the case. Many subordinate Magistrates never or hardly ever paid a witness, but this is no longer so. Even when they are paid witnesses are often put to inconvenience for want of good arrangement for payment, and I have had to point out the need for providing each Court by means of a permanent advance or otherwise with the requisite funds for prompt disbursement of witness' subsistence money. One reason why the increase in the number of witnesses examined is comparatively small is probably that Magistrates are gradually being taught the procedure for the trial of summons cases. Formerly they have

commonly been in the habit of trying all cases as if they were warrant cases, and examining witnesses whether they were wanted or not.

17. The following table shows the average duration of cases brought to trial and disposed of by Magistrates :—

Division.	Name of district.	Number of cases disposed of.	Total duration.	Average duration of all cases.	
				1891	1892
Northern	Mandalay	4,565	16,192	3	4
	Bhamo	452	2,877	3	6
	Katha	652	3,671	6	6
	Ruby Mines	218	1,714	5	8
	Shwebo	482	4,750	7	10
	Total	6,364	29,204	3	5
Central	Ye-u	217	2,299	6	10
	Sagaing	851	7,731	8	9
	Lower Chindwin	472	2,447	7	5
	Upper Chindwin	341	2,926	5	9
	Total	1,881	15,403	7	8
Southern	Myingyan	1,011	7,144	7	7
	Pakôkku	1,064	9,381	7	9
	Minbu	704	6,169	7	9
	Magwe	815	6,737	8	8
	Total	3,594	29,431	7	8
Eastern	Kyauksè	463	2,266	6	5
	Meiktila	821	6,681	8	8
	Yamèthin	724	6,062	8	8
	Pyinmana	493	4,260	8	8
	Total	2,501	19,269	8	8
	Grand Total	14,340	93,307	6	7

The average duration of cases tried by Magistrates is somewhat higher, 7 to 6, than in the year before. There has been a decrease in Kyauksè, but the duration in the Eastern Division remains stationary; in the other divisions duration has gone up. All the districts of the Northern Division, except Katha, give an increase, so do all those of the Central, except Lower Chindwin, and so do Pakôkku and Minbu. The largest increase is in the lightest district, Ye-u, from 6 to 10 days and in the Upper Chindwin. The increase is in part due to exceptional causes, perhaps, but it is unsatisfactory, especially as it should probably be even greater than it is. In police cases duration has now to be reckoned from the date of arrest of the accused; and this is often not properly done. The Commissioner, Northern Division, found duration wrongly calculated in almost every court that he inspected. In some instances there has been undue delay in the disposal of cases, and the working of the Courts of subordinate Magistrates in this respect requires to be carefully watched.

18. The duration of cases tried by Courts of Sessions in the past two years calculated from the day of commitment is given below.

Sessions division.	Number of cases tried.	Total duration.	Average duration.	
			1891	1892
Sessions Judge, Northern Division	45	2,819	64	63
Ditto Central Division	17	719	56	42
Ditto Southern Division	37	1,697	65	43
Ditto Eastern Division	12	854	86	80
Total	111	5,589	56	50

The duration of Sessions cases has been reduced in every division and on the whole from 56 to 50.

The duration is longest in the Northern Division on account of the condition of communications and the press of executive work on the Commissioner, but it was also specially raised last year by some pending cases. There is an Additional Sessions Judge in this division, the Civil Judge, Mandalay, who might relieve the Commissioner of most if not all of the cases committed to the Court of Sessions from Mandalay town and district. It could also be arranged for him to take the Shwebo cases.

SECTION V.—APPEALS.

19. The number of appeals disposed of last year as compared with the previous year is shown below.

Appellate Court.	1891	1892
District Magistrates and Magistrates specially empowered to hear appeals ...	62	97
Sessions Judges	616	526
Judicial Commissioner	188	177
Total ...	866	800

The number of appeals to the Courts of Session and High Court steadily goes down with the decline of serious crime in the country.

20. The results of appeals disposed of by District Magistrates and Sessions Judges are shown in the next table.

Results of appeals.

	Class of Appellate Courts.	Total cases disposed of.	Total appellants disposed of.	Persons whose: Appeals were rejectd.	Appeals were dismissed.	Sentences were reduced.	Sentences were otherwise altered.	Sentences were reversed.	Percentage of appeals rejected and dismissed to total appellants disposed of.	Remarks.
NORTHERN.	Mandalay	5	5	...	2	...	...	2	40·00	One new trial ordered.
	Bhamo	...	...	...	...	...	...	...	...	
	Katha	...	...	...	...	...	...	...	...	
	Ruby Mines	...	...	...	...	...	...	...	...	
	Shwebo	4	4	...	1	1	...	1	25·00	One new trial ordered.
	Sessions Judge	197	231	44	136	14	...	32	77·92	Two referred to High Court and 3 new trials ordered.
	Total ...	206	240	44	139	15	...	35	76·25	Five new trials ordered and 2 referred to High Court.
CENTRAL.	Ye-u	1	1	...	...	...	1	...	...	
	Sagaing	9	16	...	5	2	...	9	31·25	
	Lower Chindwin	8	12	...	2	2	...	8	16·67	
	Upper Chindwin	...	...	...	...	...	...	...	...	
	Sessions Judge	94	103	39	27	16	1	18	64·08	Two new trials ordered.
	Total ...	112	132	39	34	20	2	35	55·30	Two new trials ordered.
SOUTHERN.	Myingyan	24	42	13	22	3	...	3	83·33	One referred to High Court for revision.
	Pakôkku	11	11	5	...	3	...	3	45·45	
	Minbu	10	10	...	8	1	...	1	80·00	
	Magwe	6	7	...	2	5	...	...	28·57	
	Sessions Judge	136	177	43	95	18	...	21	77·97	
	Total ...	187	247	61	127	30	...	28	76·11	One referred to High Court for revision.
EASTERN.	Kyauksé	4	4	...	4	...	...	...	100·00	
	Meiktila	3	3	2	...	...	...	1	66·67	
	Yamèthin	7	8	1	1	2	1	3	25·00	
	Pyinmana	5	6	...	...	...	3	2	...	
	Sessions Judge	99	111	83	1	11	...	16	75·68	
	Total ...	118	131	86	6	13	4	22	70·23	
	GRAND TOTAL ...	623	750	230	306	78	6	120	71·47	Seven new trials ordered and 3 referred for revision to High Court.

The heaviest appellate work fell to the Courts of Sessions of the Northern and Southern Divisions. The amount of interference with the sentences of Magistrates was nearly the same in both—about 22 per cent. In the Eastern Division it was a little more, and in the Central Division it was most—36 per cent.

The Criminal Justice Regulation previously in force expired on the 31st December 1892, and the change in the law made by the new Criminal Justice Regulation will affect future returns of appeal, many cases which under the former Regulation could only be dealt with in revision being now appealable. The right of appeal is now the same as that conferred by the Code of Criminal Procedure except that no appeal is allowed from the sentence of a Court of Session or District Magistrate which is confined to imprisonment for six months, fine of Rs. 500, or whipping, or any combination of those punishments.

The limitation of appeal by the old Regulation had the effect of keeping down the number of appeals to District Magistrates, so that the largest number any had to dispose of last year was 24 in Myingyan. Possibly the power of enhancing punishment in appeal may have had its effect in deterring would-be appellants. Revision took the place of appeal, but from the beginning of this year dissatisfied parties can appeal in the ordinary way. It was found necessary to interfere with the orders of the subordinate Magistrates in as many as 83·33 per cent. of the cases in the Lower Chindwin, and in 68·75 per cent. in Sagaing.

In Bhamo, Katha, the Ruby Mines, and the Upper Chindwin no appeals are shown, but possibly some cases that should have been entered under the head of appeal have gone down under that of revision.

21. Result of appeals disposed of by the Judicial Commissioner, Upper Burma, during the year 1892:—

Class of appellate court.	Total cases disposed of.	Total appellants disposed of.	Persons whose						Remarks.
			Appeals were rejected.	Appeals were dismissed.	Sentences were reduced.	Sentences were otherwise altered.	Sentences were reversed.	Percentage of appeals rejected and dismissed to total appellants disposed of.	
Judicial Commissioner, Upper Burma.	177	221	119	46	17	18*	21	...	

* One person's sentence enhanced; three persons from Shan States referred to the local Government; four persons convicted on further enquiry ordered; in case of three persons on appeal from acquittal, two ordered to be committed for trial by Sessions; four persons transferred to the Court of the Judicial Commissioner, Lower Burma, and new trial of one person ordered.

Deducting the cases of appeal from acquittal, and the cases referred and transferred, the percentage of confirmation would be 78·20.

Section VI.—Revision and Reference.

22. Reference to Judicial Commissioner under section 374, Criminal Procedure Code.

Reference by whom made.	Sentence				
	Referred for confirmation.	Confirmed.	Reduced or altered.	Reversed.	Pending.
Sessions Judge, Northern Division ...	3	2	...	1	...
Sessions Judge, Central Division ...	2	1	1	...	...
Sessions Judge, Southern Division ...	5	3	2	...	...
Sessions Judge, Eastern Division ...	5	5	...	...	...
Total ...	15	11	3	1	...

The number of sentences referred in previous year was 33, of which 28 were confirmed.

23. Reference to Judicial Commissioner under section 438, Criminal Procedure Code.

Division.	Reference by whom.	Number of cases referred.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Pending: Persons.	New trials.	Proceedings quashed.	Remarks.
Northern.	District Magistrate of Mandalay.	16	42	35	1	...	2	...	...	...	4	
	District Magistrate of Bhamo	5	5	4	...	1	...	...	...	...	...	
	District Magistrate of Katha	5	11	4	...	1	8	...	...	8	...	
	District Magistrate of Ruby Mines.	...	...	...	...	...	...	...	...	...	...	
	District Magistrate of Shwebo	...	...	...	...	...	...	...	...	...	...	
	Sessions Judge, Northern Division.	49	90	43	2	34	10	1	1	...	...	
	Total ...	75	148	86	3	36	15	1	1	8	4	
Central.	District Magistrate of Ye-u ...	2	6	5	1	...	...	...	...	...	...	
	District Magistrate of Sagaing	7	12	6	...	2	4	...	...	...	...	
	District Magistrate of Lower Chindwin.	1	1	1	...	...	...	...	...	...	...	
	District Magistrate of Upper Chindwin.	2	4	1	...	3	...	...	...	...	...	
	Sessions Judge, Central Division.	8	12	2	...	4	6	...	...	...	...	
	Total ...	20	35	15	1	9	10	...	...	...	...	
Southern.	District Magistrate of Myingyan.	5	10	5	...	...	5	...	...	...	...	
	District Magistrate of Pakôkku.	4	4	1	...	...	1	...	...	2	...	
	District Magistrate of Minbu	2	2	2	...	...	...	...	...	...	...	
	District Magistrate of Magwe	18	22	4	...	1	16	1	1	...	...	
	Sessions Judge, Southern Division.	25	62	17	...	31	9	1	1	4	...	
	Total ...	54	100	29	...	32	31	2	2	6	...	
Eastern.	District Magistrate of Kyauksè.	6	6	4	...	2	...	...	...	...	...	
	District Magistrate of Meiktila	...	...	...	...	...	...	...	...	...	...	
	District Magistrate of Yamèthin.	5	5	2	...	3	...	...	...	...	...	
	District Magistrate of Pyinmana.	1	1	1	...	...	...	...	...	...	...	
	Sessions Judge, Eastern Division.	24	34	9	1	3	13	1	6	2	...	
	Total ...	36	46	16	1	8	13	1	6	2	...	
	Grand Total ...	185	329	146	5	85	69	4	9	11	4	

24. Cases called for by the Judicial Commissioner on his own motion under section 435, Criminal Procedure Code :—

Division.	Name of district.	Number of cases called for.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Persons.	New trial.	Proceedings quashed.	Remarks.
Northern.	Mandalay ...	222	290	206	...	80	12	81	89	...	1	Two further enquiries ordered.
	Bhamo ...	69	109	92	...	9	8	2	4	1	...	
	Katha ...	108	158	108	...	7	12	23	25	1	...	
	Ruby Mines ...	44	58	45	...	2	8	3	3	...	...	
	Shwebo ...	86	120	84	...	7	7	10	18	3	1	
	Sessions Judge, Northern Division.	...	...	...	...	...	..	...	...	...	...	
	Total ...	529	730	535	...	55	42	69	89	5	2	Two further enquiries ordered.
Central.	Ye-u ...	59	81	65	...	4	3	3	3	6	...	
	Sagaing ...	230	394	295	1	31	21	18	41	4	...	One further enquiry ordered.
	Lower Chindwin ...	140	176	137	. .	12	21	4	6	...	...	
	Upper Chindwin ...	81	111	76	...	1	14	11	12	8	...	
	Sessions Judge, Central Division.	1	1	1	...	...	...	...	...	...	...	
	Total ...	511	763	574	1	48	59	36	62	18	...	One further enquiry ordered.
Southern.	Myingyan ...	106	169	125	...	21	3	10	18	2	...	
	Pakôkku ...	180	248	178	...	19	9	13	25	...	...	Two further enquiries ordered.
	Minbu ...	79	111	62	...	10	2	20	37	...	...	
	Magwe ...	148	171	144	...	13	3	9	10	1	...	
	Sessions Judge, Southern Division.	1	1	...	...	...	1	...	...	...	...	
	Total ...	514	695	509	...	63	18	52	100	3	...	Two further enquiries ordered.
Eastern.	Kyauksè ...	102	168	126	2	15	7	7	16	2	...	
	Meiktila ...	129	173	130	...	11	9	11	18	4	1	
	Yamèthin ...	88	110	86	...	7	4	9	12	...	1	
	Pyinmana ...	83	131	117	1	7	4	2	2	...	...	
	Sessions Judge, Eastern Division.	1	1	1	...	...	...	...	...	...	...	
	Total ...	403	583	460	3	40	24	29	48	6	2	
	Grand Total ...	1,957	2,771	2,078	4	206	143	186	299	32	4	Five further enquiries ordered.

The cases pending are mostly cases received or called for about the end of the year, but some are cases in which there was delay in procuring proceedings or in which report or explanation was asked for. The largest number of cases was brought to notice by the Sessions Judge, Northern Division, but the Sessions Judges of the Southern and Eastern Divisions also sent up a good many cases.

Sessions Judges forward the cases of all classes of Magistrates, whereas District Magistrates for the most part submit the cases of Magistrates of the first class only as they can deal with those of other Magistrates themselves under the Criminal Justice Regulation. The largest amount of interference with the Magistrates' orders found necessary was in the Mandalay, Katha, Sagaing, Lower Chindwin, Myingyan, Pakôkku, Kyauksè, and Meiktila districts. The Deputy Commissioner, Sagaing, speaks of heavy and reckless fining by Magistrates. Theoretically more sentences might have been reduced, but it is not possible to adjust everything. Frequently fines have been paid away in compensation before the cases are brought to notice or there are other reasons for leaving matters alone.

In gambling cases the fines are often apt to be heavy, but substantial punishment is required for the suppression of this offence. The Deputy Commissioner, Mandalay, expresses himself very strongly on the subject of gambling and the Commissioner agrees with him as to its evil effects. The Deputy Commissioner says that gambling is carried on to an enormous extent and is responsible for much petty theft. The people of Mandalay are notorious gamblers and there is good reason for believing that the police give active assistance. Gambling dens are dug under ground for the purpose of concealment. The poverty which is ascribed to bad seasons is really attributable to a large extent to losses from gambling, and gambling is doing tenfold more harm to the people than all the opium and liquor shops put together. Instances have come before me in which gambling has been systematically carried on to the point of ruin, and the Deputy Commissioner is possibly correct in his view and in his suggestion that a severe measure of punishment is required for the suppression of this vice. Under these circumstances Magistrates are perhaps right in imposing severe fines on gamblers when they do not send them to prison.

Special instructions have been given to Magistrates regarding the need for moderation in inflicting pecuniary penalties, but they are liable to make insufficient impression without the reduction of the fine in particular cases. A considerable number of convictions under the Excise Act had to be quashed, because the exemption of toddy in Upper Burma from certain provisions of the Act had been overlooked. It was found necessary to issue special instructions in regard to the trial of excise cases.

Magistrates were at first disposed to punish with undue severity Burmans accustomed to the use of opium who under recent rules have been deprived of the right to possess the drug in the smallest quantity.

Another tendency that had to be checked was the infliction of excessive fines for drunkenness under the Police Act.

Section 285, Indian Penal Code, also supplied much material for revision, unfortunate house-owners after losing everything in a fire being punished criminally in addition because their houses were the first to burn, although there was no proof that they were to blame for it.

The alteration in the provisions of the law in regard to appeal ought to lighten the work of revision in future.

25. Results of applications for revision to Sessions Judges and District Magistrates.

Class of courts whose orders were the subject of revision.	Number of persons who applied for revision including those pending from previous year.	Number of persons with respect to whom: Applications were rejected.	Committal was ordered under section 436, C. C. P.	Further enquiry was ordered under section 437, C. C. P.	Reference was made to High Court under section 438, or to District Magistrate under section 435, C. C. P.	Applications were pending.	Total.	Remarks.
(*a*) Special Magistrates, section 14, C. C. P.	...	...	...	...	...	...	...	
(*b*) Stipendiary Magistrates	346	201	...	4	136	5	346	
(*c*) Honorary Magistrates including Benches.	...	...	...	...	...	...	...	
Total ...	346	201	...	4	136	5	346	

This statement does not include applications for the revision of the orders of Magistrates of the second and third class unless the cases in question were submitted to the High Court. It therefore refers for the most part to cases tried by Magistrates of the first class with which the Criminal Justice Regulation does not empower District Magistrates to interfere.

26. Revision work done by Sessions Judges and Magistrates otherwise than on applications for revision.

Revising court.	Number of cases called for and examined under section 435, C. C. P.	Number of cases in which committal was ordered under section 436, C. C. P.	Number of cases in which further enquiry was ordered under section 437, C. C. P.	Number of cases referred to the High Court under section 438, or to the District Magistrate under section 435, C. C. P.	Pending cases.	Remarks.
Sessions Court ...	570	...	1	73	24	
District Magistrate ...	631	...	5	30	59	
Subdivisional Magistrates specially empowered under section 435, C. C. P.	...	...	...	...	...	
Total ...	1,201	...	6	103	83	

Sessions Judges call for the cases of Magistrates of all classes in revision.

The figures against District Magistrates are confined to cases tried by Magistrates of the first class, those of other Magistrates being shown in the succeeding table.

27. Results of the revision work done by District Magistrates under the provisions of the Criminal Justice Regulation :—

Division.	Name of district.	Number of cases called for.	Number of persons concerned.	Number of persons whose sentences were				Pending.		Cases called for on application.
				Confirmed.	Enhanced.	Reduced.	Reversed.	Cases.	Persons.	
1	2	3	4	5	6	7	8	9	10	11
Northern.	Mandalay	196	222	218	...	1	3	...	...	9
	Bhamo	22	48	43	...	...	5	...	...	1
	Katha	59	104(a)	70	...	8	3	10	14	6
	Ruby Mines	3	3	3	...	...	...	...	...	...
	Shwebo	26	32	31	...	1	...	...	...	2
Central.	Ye-u	43	62(b)	47	5	4	1	...	...	1
	Sagaing	104	330(c)	241	..	9	61	11	12	32
	Lower Chindwin ...	49	84(d)	52	...	17	13	...	...	9
	Upper Chindwin ...	33	39	21	2	...	8	8	8	...
Southern.	Myingyan	301	575 (e)	487	4	20	42	5	13	15
	Pakôkku	92	142(f)	93	..	12	27	2	4	27
	Minbu	229	406(g)	384	6	25	12	11	16	19
	Magwe	99	177	130	...	15	31	1	1	20
Eastern.	Kyauksè	93	247	201	...	14	32	...	...	12
	Meiktila	84	139 (h)	99	2	7	15	9	13	19
	Yamèthin	153	279	238	2	10	21	4	8	25
	Pyinmana	55	130	91	3	5	7	5	24	...
	Total ...	1,641	3,019	2,399	24	148	281	66	113	197

(a) Six further enquiries ordered and three quashed.
(b) Five transferred to other courts.
(c) Seven new trials ordered.
(d) Two new trials ordered.
(e) Eight new trials and one further enquiry ordered.
(f) Three cases six persons re-trial ordered.
(g) Thirteen new trials ordered.
(h) Two new trials ordered ; one quashed.

The foregoing statement has been specially drawn up to show the work done by District Magistrates in the exercise of their revisionary powers under the Criminal Justice Regulation. It relates solely to cases tried by Magistrates of the second and third classes.

The largest number of cases called for in revision was in Mandalay, Sagaing, Myingyan, Minbu, and Yamèthin.

Most cases were taken up by District Magistrates of their own motion. Except in Sagaing, Pakôkku, Magwe, and Meiktila the proportion of applications for revision to cases called for was small. Perhaps fear of enhancement had something to do with the acquiescence of those convicted in their sentences, but as there was a doubt as to District Magistrates having powers of enhancement they were desired to abstain from enhancing sentences. Under the new Criminal Justice Regulation it is different.

The amount of interference was considerable in Sagaing, the Lower Chindwin, Myingyan, Pakôkku, Minbu, Magwe, Kyauksè, Meiktila, and Yamèthin.

Excessive fining was responsible for much of the necessity for interfering. In Sagaing the District Magistrate had considerable trouble with unqualified Township Magistrates.

In Mandalay and elsewhere also convictions and sentences were allowed to stand which had afterwards to be set aside or altered by the High Court.

When cases are taken up in revision they require to be dealt with thoroughly in order to instruct subordinate Magistrates in their duties. District Magistrates note in the monthly return of crime what has been done in revision so that their work under the Criminal Justice Regulation can be watched.

28. The financial result of the rules regulating the fees chargeable for the service of processes and the remuneration of peons is shown in the following table:—

Receipts and Charges of Criminal Processes Establishment.

Division.	Name of district.	Number of processes issued.	Receipts from process-fees.	Charges.		Remarks.
				Salaries of process-serving establishment.	Contingencies, &c.	
			Rs. A. P.	Rs. A. P.	Rs. A. P.	
Northern.	Mandalay	2,538	2,237 13 0	.....	.....	
	Bhamo	517	242 0 0	.....	.....	
	Katha	312	261 8 0	.....	.....	
	Ruby Mines	120	103 8 0	.....	.....	
	Shwebo	387	298 8 0	.....	.....	
	Total ...	3,874	3,143 5 0	.....	.....	
Central.	Ye-u	51	96 0 0	.....	.....	
	Sagaing	809	658 8 0	.....	.....	
	Lower Chindwin ...	674	331 8 0	.....	.....	
	Upper Chindwin ...	175	198 8 0	.....	.....	
	Total ...	1,709	1,284 8 0	.....	.....	
Southern.	Myingyan	779	709 0 0	.....	.....	
	Pakôkku	740	854 8 0	.....	.....	
	Minbu	1,004	715 0 0	.....	.....	
	Magwe	849	641 8 0	.....	.....	
	Total ...	3,372	2,920 0 0	.....	.....	
Eastern.	Kyauksè	568	453 0 0	.....	.....	
	Meiktila	870	800 0 0	.....	.....	
	Yamèthin	808	668 8 0	.....	.....	
	Pyinmana	342	317 0 0	.....	.....	
	Total ...	2,588	2,238 8 0	.....	.....	
	Grand Total ...	11,543	9,581 5 0	.....	.....	

There has been an increase in the number of processes issued, and in the amount of process-fees realized. It may be doubted whether it should not have been greater. The charges are rather nominal than real as criminal processes are almost always served through the police.

The column under the head of charges has been left blank as the figures furnished are incomplete and misleading.

Arrangements have now been made for entertaining a regular process-serving establishment for criminal, civil, and revenue purposes, and the cost will be equally divided among the three departments in future.

GENERAL.

29. During the year Magistrates have generally improved in procedure, in knowledge of law, in taking down evidence, in making a clear and well-arranged record, in writing judgments, and in awarding punishment. This improvement has come about by dint of steady and persevering instruction through revision and inspection, and the results of the pains taken are on the whole satisfactory. I agree with the Commissioner, Southern Division, and Deputy Commissioner, Magwe, that nothing but repeated persistent efforts will have the required effect and ensure its continuance.

The subject of inspection and other matters are dealt with in the Civil Justice Report.

30. The following officers may be specially mentioned for the attention and pains they have bestowed on the performance of their magisterial duties:—

Mr. Birks, Deputy Commissioner, Pakôkku.
Mr. Burne, Deputy Commissioner, Mandalay.
Mr. Eales, Deputy Commissioner, Magwe.
Captain Cronin, Deputy Commissioner, Meiktila.
Mr. George, Deputy Commissioner, Bhamo.
Captain F. H. Elliott, Subdivisional Officer, Mandalay.
Captain Farrant, Cantonment Magistrate, Mandalay.
Mr. Bear, Subdivisional Officer, Mogôk.
Mr. Wall, Subdivisional Officer, Kyauksè.
Maung Kin, Subdivisional Officer, Wundwin.
Mr. McDonald, Subdivisional Officer, Myingyan.
Maung Po Ni, Subdivisional Officer, Amarapura.
Mr. Pereira, Headquarters Magistrate, Magwe.
Maung Po Sa, Subdivisional Officer, Pyawbwè.
Mr. H. W. Godber, Subdivisional Officer, Sheinmaga.

The reports on Township Magistrates are hardly definite enough to enable a selection of names to be made, though several have done well.

It is satisfactory that several Magistrates whose work was at one time indifferent have improved during the year.

The good judicial work of a number of officers has been noticed in the Civil Justice Report.

G. D. BURGESS,
Judicial Commissioner, Upper Burma.

LOWER BURMA APPENDICES.

JUDICIAL STATEMENT NO. 1 (CRIMINAL).

Showing the number of Judicial divisions and the number of Officers exercising Appellate or Original Jurisdiction in Lower Burma for the year 1892 with the cost of Tribunals.

Name of province.	Area.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION.					TOTAL NUMBER OF CASES DECIDED.				Total receipts of the Courts.	Total charges of the Courts.	Remarks			
						Judges of Chief Court of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of districts other than Chief Courts.	Judges of other subordinate Courts.	*Original.* Regular.	*Original.* Miscellaneous.	*Appeal.* Regular.	*Appeal.* Miscellaneous.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18			
															Rs. A. P.	Rs. A. P.		Grades of Judicial Officers.	European.	Native.
LOWER BURMA. Territory subject to the High Court. Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	.....	.....	Officers exercising both original and appellate jurisdiction.	Judicial Commissioner ...	1	...
Territory subject to the High Court. Criminal ...	87,957	4,337,344	6	19	34	2	6	19	145	21*	39,514	615	3,841	505	3,83,910 11 7	6,40,673 12 10		Recorder of Rangoon ...	1	...
																		Sessions Judges	4	...
																		Additional Sessions Judge ...	1	...
																		Judge of Moulmein ...	1	...
Territory subject to the High Court. Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....		District Magistrates ...	19	...
																		Magistrates of 1st class invested with appellate powers under section 407, Criminal Procedure Code.	1	...
Territory not subject to the High Court. Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	217 12 0	Officers exercising original jurisdiction only.	Stipendiary Magistrates of 1st class.	16	49
Territory not subject to the High Court. Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....		Stipendiary Magistrates of 2nd class.	2	48
																		Stipendiary Magistrates of 3rd class.	5	24
Territory not subject to the High Court. Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....		Special Magistrates under section 14, Criminal Procedure Code.	1	1
																		Honorary Magistrates sitting singly.	1	4
																		Benches of Honorary Magistrates.	...	14
Total ...	87,957	4,337,344	6	19	34	2	6	19	145	21	39,514	615	3,841	505	3,83,910 11 7	6,40,673 12 10				

* Including 14 Benches of Honorary Magistrates counting each bench as one officer.

JUDICIAL STATEMENT NO. 2 (CRIMINAL).

Showing offences reported and of persons tried, convicted, and acquitted of each class of offence in Lower Burma for the year 1892.

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	NUMBER OF PERSONS					Remarks.
				Under trial during the year including persons from previous year.*	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to another province.	Remaining under trial.	
1	2	3	4	5	6	7	8	9	10
Offences of abetment, Chapter V of the Indian Penal Code	...	...	...	...	...	...	...	...	
Offences against the State, Chapter VI of the Indian Penal Code	...	...	...	...	...	...	...	...	
Offences relating to the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	
Offences against the public tranquillity, Chapter VIII	283	281	285	1,752	517	1,206	1	28	
Offences by, or relating to, public servants, Chapter IX	133	122	141	231	113	99	2	7	
Contempts of the lawful authority of public servants, Chapter X	245	230	240	399	142	245	6	6	
False evidence and offences against public justice, Chapter XI	740	710	715	931	340	529	5	57	
Offences relating to coin and Government stamps, Chapter XII	45	43	44	62	22	28	...	12	
Offences relating to weights and measures, Chapter XIII	27	26	25	29	4	25	...	...	
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV ...	1,103	1,006	997	1,723	523	1,187	3	10	
Offences relating to religion, Chapter XV	46	40	38	146	100	46	...	...	
Offences affecting the human body, Chapter XVI. — Offences affecting life	273	256	238	462	224	193	2	53	
Offences affecting the human body, Chapter XVI. — Cause of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	16	15	9	14	6	8	...	...	
Offences affecting the human body, Chapter XVI. — Hurt	2,899	2,761	2,349	4,066	2,300	1,560	20	96	
Offences affecting the human body, Chapter XVI. — Wrongful restraint and wrongful confinement	185	157	159	347	242	86	...	19	
Offences affecting the human body, Chapter XVI. — Criminal force and assault	3,176	2,861	2,821	4,972	3,065	1,752	17	138	
Offences affecting the human body, Chapter XVI. — Kidnapping, forcible abduction, slavery, and forced labour	182	152	118	167	115	45	...	7	
Offences affecting the human body, Chapter XVI. — Rape	151	111	88	112	68	41	1	2	
Offences affecting the human body, Chapter XVI. — Unnatural offence	26	21	17	20	13	7	...	...	
Offences against property, Chapter XVII. — Theft	11,109	10,072	6,620	9,274	3,458	5,648	21	137	
Offences against property, Chapter XVII. — Extortion	121	116	116	213	137	61	3	12	
Offences against property, Chapter XVII. — Robbery and dacoity	524	474	506	1,114*	442	610	5	56	* Includes one person whose case was reported to local Government under section 466, Criminal Procedure Code.
Offences against property, Chapter XVII. — Criminal misappropriation of property	171	158	160	223	109	110	1	13	
Offences against property, Chapter XVII. — Criminal breach of trust	446	344	309	395	209	169	7	16	
Offences against property, Chapter XVII. — Receiving of stolen property	339	321	261	469	161	306	...	2	
Offences against property, Chapter XVII. — Cheating	279	220	222	319	190	114	4	11	
Offences against property, Chapter XVII. — Fraudulent deeds and disposition of property	4	4	6	6	3	3	...	...	
Offences against property, Chapter XVII. — Mischief	838	765	609	1,152	763	365	2	22	
Offences against property, Chapter XVII. — Criminal trespass	2,213	2,034	1,593	2,384	1,400	915	5	64	
Offences relating to documents and to trade or property-marks, Chapter XVIII	40	36	40	47	16	27	...	4	
Criminal breach of contracts of service, Chapter XIX	12	10	10	17	11	3	3	...	
Offences relating to marriage, Chapter XX	267	212	217	252	190	45	3	14	
Defamation, Chapter XXI	134	117	118	187	151	31	1	4	
Criminal intimidation, insult, and annoyance, Chapter XXII	2,020	1,707	1,740	2,599	1,726	823	3	47	
Offences under special and local laws	18,722	18,581	18,767	32,505	8,173	23,439	156	737	
Total ...	46,758	43,963	39,638	66,577*	25,017	39,706	280	1,573	

JUDICIAL STATEMENT NO. 2-A. (CRIMINAL).

Showing the general result of the trial of European British subjects in Lower Burma for the year 1892.

Description of offence.	Number of persons accused and brought before a Magistrate: Remaining at the close of the previous year.	Within the year: On complaint, section 191 (a), Criminal Procedure Code.	On police report, section 191 (b) of the Code.	By Magistrate suo motu, section 191 (c) of the Code.	On transfer from another province.	Total.	Died, escaped, or transferred to other provinces.	Number actually brought to trial.	Persons whose cases were disposed of — By District Magistrates and other 1st class Magistrates: Received by transfer under section 461B of the Code.	Convicted.	Acquitted or discharged.	Committed: To Court of Sessions.	Committed: To High Court.	Transferred by order under section 461B of the Code.	Total, omitting entries in columns 10 and 15.	By Courts of Sessions: Received by transfer under section 461B of the Code.	Convicted.	Acquitted or discharged.	Transferred to High Court under section 440 of the Code.	Total, exclusive of column 17.	By High Court: Convicted.	Acquitted.	Total.	Total for all Courts: Convicted.	Acquitted or discharged.	Total.	Number of persons under trial at the close of the year.	Number of cases: Brought to trial.	Disposed of.	Pending.	Number of persons who applied to the High Court for an order under section 456 of the Code.	Of those entered in column 5, number who applied under section 9, Act III of 1884, for transfer or committal of their cases.	Number of persons who applied to the High Court under section 526 of the Code for the transfer of their cases.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
Offences against the State, Chapter VI of the Indian Penal Code.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to the Army and Navy, Chapter VII ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences against the public tranquillity, Chapter VIII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences by, or relating to, public servants, Chapter IX	...	...	2	...	...	2	...	2	...	...	...	2	...	...	2	...	...	...	...	...	...	...	...	2	2	...	...	2	2	...	...	...	...
Contempts of the lawful authority of public servants, Chapter X.	...	1	...	...	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	1	1	...	...	1	1	...	...	...	...
False evidence and offences against public justice, Chapter XI.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to coin and Government stamps, Chapter XII.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to weights and measures, Chapter XIII.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	...	2	...	...	...	2	...	2	...	...	2	...	...	...	2	...	...	...	...	...	...	...	...	...	2	2	...	2	2	...	...	...	...
Offences relating to religion, Chapter XV	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences affecting the human body, Chapter XVI. — Offences affecting life	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Causing of miscarriage, injuries to unborn children, exposure of infants and the concealment of births.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hurt	...	3	...	...	...	3	...	3	...	3	...	...	...	...	3	...	...	...	...	...	...	...	...	3	...	3	...	3	3	...	...	...	...
Wrongful restraint and wrongful confinement...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal force and assault	...	29	1	...	...	30	...	30	...	13	17	...	...	...	30	...	...	...	...	...	...	...	...	13	17	30	...	27	27	...	...	...	...
Kidnapping, forcible abduction, slavery, and forced labour.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rape	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Unnatural offence...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences against property, Chapter XVII. — Theft	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Extortion	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Robbery and dacoity	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal misappropriation of property ...	...	2	...	...	...	2	...	2	...	...	1	...	1	...	2	...	...	...	...	...	...	1	1	...	2	2	...	2	2	...	...	...	...
Criminal breach of trust	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Receiving of stolen property ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cheating	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fraudulent deeds and disposition of property ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mischief	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal trespass	...	7	2	...	...	9	...	9	...	1	8	...	...	...	9	...	...	...	...	...	...	...	...	1	8	9	...	9	9	...	...	...	...
Offences relating to document and to trade or property-marks, Chapter XVIII.	...	1	...	...	...	1	...	1	...	...	...	1	...	...	1	...	...	...	...	...	...	...	...	...	1	...	...	1	...	1	...	...	...
Criminal breach of contracts of service, Chapter XIX ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to marriage, Chapter XX ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Defamation, Chapter XXI	...	2	...	...	...	2	...	2	...	...	2	...	...	...	2	...	...	...	...	...	...	...	...	2	2	2	...	2	2	...	...	...	...
Criminal intimidation, insult, and annoyance, Chapter XXII.	...	11	...	...	...	11	...	11	...	3	8	...	...	...	11	...	...	...	...	...	...	...	...	3	8	11	...	8	8	...	...	...	...
Offences under special and local laws	...	134	153	...	...	287	...	287	...	240	47	...	...	...	287	...	...	...	...	...	...	...	...	240	47	287	...	272	272	1	...	...	...
Total ...	...	192	158	...	...	350	...	350	...	260	96	2	2	...	360	...	...	2	...	2	...	1	1	260	89	349	...	329	288	1	...	...	...

Subsidiary table.

35 — Of the total number of persons shown in					36 — Of cases shown in column 30			
Column 16.		Column 21.	Columns 21 and 24		Disposed of by Magistrates.		Disposed of by Sessions Judges.	
Number who claimed to be tried by a mixed jury, section 451A (1) of the Code.	Number who did not so claim.	Number of those in column 35 (1) whose cases were transferred under section 461B of the Code.	Number who claimed a mixed number of assessors, section 451 (2) of the Code.	Number who did not so claim.	Number who claimed to be tried by a mixed jury, section 451 (1) of the Code.	Number who did not so claim.	Being European British subjects.	Other than European British subjects.	Being European British subjects.	Other than European British subjects.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
...	350	...	...	2	...	3	15	312	1	...

JUDICIAL STATEMENT No. 3 (CRIMINAL).

Showing miscellaneous proceedings under the Criminal Procedure Code in Lower Burma for the year 1892.

Nature of proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1.—Frivolous or vexatious complaints summarily dealt with, under Chapter XX, section 250.	24	32	12	20	
2.—Proceedings against witnesses under Chapter VI	21	34	12	22	
3.—Forfeiture of bail or recognizance under Chapters XXXIX and XLII	193	338	145	184	Nine pending.
4.—Non-attendance of jurors or assessors, Chapter XXIII, section 332	11	19	3	16	
5.—Contempt of Court under Chapter XXXV	1	1	...	1	
6.—Proceedings under Chapter VIII to prevent breach of the peace	42	83	29	54	
7.—Security for good behaviour under Chapter VIII	1,775	1,777	481	1,244	Forty-six pending and six escaped.
8.—Proceedings against local nuisances, Chapters X and XI	17	36	16	20	
9.—Possession Chapters XII and XLIII	25	55	27	24	Four pending.
10.—Maintenance, Chapter XXXVI	281	281	134	145	Two pending.
Total ...	2,390	2,656	859	1,730	Sixty-one pending and six escaped.

JUDICIAL STATEMENT NO 4 (CRIMINAL).

Showing the general result of Criminal trials in the Tribunals of various classes in Lower Burma for the year 1892.

Class of tribunal	Total number of persons under trial	Persons whose cases were disposed of					Persons remaining under trial at the end of the year	Number of cases disposed of during the year	Average number of days during which each case lasted	Number of witnesses examined	Remarks
		Died, escaped, or transferred to another province	Discharged or acquitted.	Convicted.		Committed or referred					
				On regular trial	On summary trial						
1	2	3	4	5	6	7	8	9	10	11	12
Village Officers	.	...	...	...	...	..	...	...	...	..	
Subordinate Magistrates .. Special Magistrates, under section 14 ..	136	...	..	136	...	...		133	1	139	
Subordinate Magistrates .. Honorary Magistrates sitting singly ...	10	1	3	.	6	...	..	6	13	2	
Subordinate Magistrates .. Stipendiary Magistrates sitting singly ...	54,400	267	20,597	25,330	5,296	1,546	1,355	30,500	8	106,465	
Subordinate Magistrates .. Benches of Magistrates	9,454	3	3,118	38	6,196	...	99	6,303	3	8,843	
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code	815	3	176	519	2	110	5	527	17	...	
Chief Magistrates of districts	2,415	5	674	987	372	516	61	1,309	16	9,009	
Courts of Sessions	1,317(a)	1	440	743	.	83	49	679	33	5,324	
Superior Courts	85	...	9	72(b)	..	...	4	57	22	38	
Total ...	68,632	280	25,017	27,834	11,872	2,055	1,573	39,514	8	129,820	

(a) Includes one person whose case was reported to the local Government under section 466, Criminal Procedure Code | (b) Includes four persons who were ordered for re-trial.

JUDICIAL STATEMENT No. 5 (CRIMINAL).

Showing the punishment inflicted by the various Criminal Tribunals in Lower Burma for the year 1892.

Class of tribunal.	Persons sentenced to: Death.	Transportation.	Penal servitude.	Imprisonment: Rigorous.	Imprisonment: Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Detail of punishment. Fine: Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year	Amount paid by way of compensation.	Imprisonment: Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above seven years.	Whipped: Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentences were commuted to detention in a reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. A. P.	Rs. A. P.	Rs. A. P.									
Village Officers ...	..	...	...	...	...	...	.	...	..	...		...	.	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	.	...
Subordinate Magistrates. Special Magistrates, under section 14	...	...	...	...	...	...	136	..	...	...	73	57	6	...	...	...	2,605 0 0	2,605 0 0	.....	...	...	...	...	...	...	...	...	...
Honorary Magistrates sitting singly.	...	...	...	...	...	...	6	...	...	...	6		...	.	...	...	28 0 0	28 0 0	.....	...	...	...	...	...	...	...	...	...
Stipendiary Magistrates sitting singly.	...	...	...	6,951	291	...	20,957	1,884	1,211	745	12,284	7,251	1,165	241	16	...	3,60,005 3 9	3,00,206 6 7	14,125 9 11	641	4,412	2,875	59	...	227	1,038	619	10
Benches of Magistrates	...	...	..	42	5	...	6,500	5	..	...	6,155	345	...	...	...	...	22,905 1 3	21,239 11 3	843 8 0	32	15	...	...	...	2	1	2	...
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	...	...	...	380	6	...	26	163	...	...	7	6	4	2	7	...	5,661 0 0	1,471 3 0	.....	7	66	262	51	...	23	80	60	2
Chief Magistrates of districts	...	...	...	790	24	...	472	107	60	34	316	94	42	16	3	1	14,682 0 0	8,870 10 5	347 0 0	42	212	234	360	...	17	36	54	3
Courts of Sessions ...	3	367	...	347	4	..	5	5	19	19	..	1	...	...	3	1	3,645 8 6	404 12 3	.....	3	35	44	266	20	..	2	3	1
Superior Courts	49	18	...	..	1	...	1	..	...	..	...	...	...	1	...	...	300 0 0	300 0 0	.....	...	1	...	...	...	...	...	...	...
Total ...	52	385	...	8,510	331	...	28,103	2,164	1,290	798	18,841	7,754	1,217	260	29	2	4,09,831 13 6	3,35,125 11 6	15,316 1 11	725	4,741	3,415	738	20	269	1,157	738	16

JUDICIAL STATEMENT NO. 5-A (CRIMINAL).

PART I.

Showing whippings inflicted under sections 2 and 3, Act VI of 1864, in lieu of other punishments in Lower Burma for the year 1892.

Offences for which awarded.	Number of stripes awarded.												Total.	Remarks.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
In lieu of other punishments (sections 2 and 3, Act VI of 1864)—														
1.—Theft, as defined in section 378, I. P. C.	...	...	88	1	83	...	96	4	24	2	30	7	285	
1.—Theft, as defined in section 379, do.	4	...	37	1	70	6	88	8	25	14	22	4	279	
1.—Theft, as defined in section 380, do.	20	...	98	14	220	9	322	14	153	24	162	48	1,003	
1.—Theft, as defined in section 381, do.	...	...	6	...	2	1	12	...	5	...	2	...	28	
1.—Theft, as defined in section 382, do.	...	...	1	...	...	...	...	...	...	...	...	...	1	
2.—Extortion, as defined in section 388, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
2.—Extortion, as defined in section 389, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
3.—Dishonestly receiving stolen property, as defined in section 411, do.	...	...	5	...	7	...	11	2	10	...	7	...	42	
3.—Dishonestly receiving stolen property, as defined in section 412, do.	...	...	...	...	...	...	...	...	...	...	2	...	2	
3.—Dishonestly receiving stolen property, as defined in section 414, do.	...	...	...	...	...	...	1	...	...	...	...	...	1	
4.—Lurking house-trespass, as defined in section 443, do.	...	...	...	...	...	...	1	...	...	...	...	...	1	
5.—Lurking house-trespass by night as defined in section 444, do.	...	...	...	...	2	...	...	...	1	...	...	1	4	
6.—House-breaking, as defined in section 445, do.	...	...	...	...	...	...	6	...	2	...	...	1	9	
7.—House-breaking by night, as defined in section 446, do.	...	...	2	...	6	...	6	...	3	...	2	...	19	
8.—Offences under section 324, do.	...	...	...	...	...	...	2	...	...	...	...	...	2	
8.—Offences under section 14, Act III of 1880.	...	...	...	...	...	...	...	...	...	...	...	...	...	
8.—Offences under section 376, I. P. C.	...	...	...	...	1	...	...	...	...	...	...	...	1	
8.—Offences under section 392, do.	...	...	...	...	...	...	1	...	...	...	...	...	1	
8.—Offences under section 436, do.	...	...	1	...	...	...	...	...	...	...	...	...	1	
8.—Offences under section 447, do.	...	...	...	...	3	...	...	...	...	...	...	...	3	
8.—Offences under section 448, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
8.—Offences under section 454, do.	...	...	1	...	...	...	2	...	1	...	...	...	4	
8.—Offences under section 456, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
8.—Offences under section 457, do.	...	...	...	...	1	...	3	...	3	...	8	1	16	
Total ...	24	...	189	16	406	16	551	28	227	40	235	62	1,794	

PART II.

Statement showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864 in Lower Burma for the year 1892.

Offences for which awarded.	Number of stripes.						Total.	Remarks.
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.		
1	2	3	4	5	6	7	8	9
In addition to other punishments (sections 3 and 4)—								
A.—Section 3.								
1.—Theft, as defined in section 378, I. P. C. ...	...	1	4	14	1	13	33	
1.—Theft, as defined in section 379, do. ...	...	1	9	21	9	25	65	
1.—Theft, as defined in section 380, do. ...	...	9	23	34	31	60	157	
1.—Theft, as defined in section 381, do. ...	...	...	...	3	5	6	14	
1.—Theft, as defined in section 382, do. ...	...	...	...	...	...	...	...	
2.—Extortion, as defined in section 388, do. ...	...	...	...	...	...	...	...	
2.—Extortion, as defined in section 389, do. ...	...	...	...	...	...	...	...	
Carried over ...	...	11	36	72	46	104	269	

PART II—concluded.

Statement showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864, in Lower Burma for the year 1892—concluded.

Offences for which awarded.	Number of stripes.						Total.	Remarks.
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.		
1	2	3	4	5	6	7	8	9
Brought forward ...	...	11	36	72	46	104	269	
3.—Dishonestly receiving stolen property, as defined in section 411, I. P. C. ...	...	...	...	...	...	..		
section 412, do. ...	...	...	...	...	3	2	5	
4.—Lurking house-trespass, as defined in section 443, do. ...	...	...	...	...	...	...	...	
5.—Lurking house-trespass by night, as defined in section 444, do. ...	...	...	...	...	3	2	5	
6.—Housebreaking, as defined in ... section 445, do. ...	...	...	...	...	...	...	...	
7.—Housebreaking by night, as defined in section 446, do. ...	...	...	...	...	1	2	3	
8.—Offence under ... ... section 14, Act III of 1880 ...	...	...	...	...	...	...	...	
B.—Section 4, section 457, I. P.C. ...	...	...	...	...	...	2	2	
1.—False evidence, as defined in ... section 193, I. P. C. ...	...	...	...	...	...	...	...	
section 194, do. ...	...	...	...	...	...	...		
section 195, do. ...	...	...	...	...	...	...	...	
2.—False charge of unnatural offence, as defined in section 211, do. ...	...	...	...	...	...	...	...	
section 377, do. ...	...	...	...	...	...	...	...	
3.—Assault, as defined in ... ... section 354, do. ...	...	...	...	...	...	...	...	
4.—Rape, as defined in ... ... section 375, do. ...	...	...	...	...	...	...	...	
5.—Unnatural offence, as defined in ... section 377, do. ...	...	...	...	...	...	...	...	
6.—Robbery, as defined in ... ... section 390, do. ...	...	...	...	...	..	...	...	
7.—Dacoity, as defined in ... ... section 391 do. ...	...	...	...	...	...	...	...	
8.—Attempt at robbery, as defined in ... section 393, do. ...	...	...	...	...	...	...	...	
9.—Hurt in committing robbery, as defined in section 394, do. ...	...	...	...	...	...	...	...	
10.—Receiving stolen property, as defined in section 413, do. ...	...	...	...	...	...	...	...	
11.—Forgery, as defined in ... ... section 463, do. ...	...	...	...	...	..	...	...	
section 466, do. ...	...	...	...	...	...	...	...	
section 467, do. ...	...	...	...	...	...	...	...	
section 468, do. ...	...	...	...	...	...	...	...	
section 469, do. ...	...	...	...	...	...	...	...	
12.—Lurking house-trespass, as defined in section 443, do. ...	...	...	...	...	...	...	...	
13.—Lurking house-trespass by night, as defined in section 444, do. ...	...	...	...	...	...	...	...	
14.—Housebreaking, as defined in ... section 445, do. ...	...	...	...	...	...	...	...	
section 446, do. ...	...	...	...	...	...	...	..	
Total ...	...	11	36	72	53	112	284	

PART III.

Statement showing whippings inflicted under section 5, Act VI of 1864, on Juveniles for offences other than those specified in Parts I and II in Lower Burma for the year 1892.

Offence.	Stripes. 5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		Total.	Remarks.
	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
In lieu of other punishments (sections 2 and 3, Act VI of 1864).														
Section—														
182, I. P. C.	...	...	1	...	...	...	...	...	...	...	...	...	1	
215, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
294, do.	...	...	...	...	...	...	1	..	...	...	...	...	1	
277, do.	1	...	...	...	...	...	...	...	...	...	...	...	1	
323, do.	...	...	4	...	4	...	2	...	1	...	1	.	12	
324, do.	...	...	5	...	4	...	4	..	...	...	...	...	13	
325, do.	...	...	...	...	...	...	1	...	1	...	...	...	2	
335, do.	...	...	...	...	1	.	1	...	...	...	...	...	2	
354, do.	...	...	...	...	1	...	1	...	...	...	...	...	2	
363, do.	...	...	1	...	...	...	...	...	...	...	...	...	1	
371, do.	...	...	...	...	...	...	2	...	...	...	...	...	2	
376, do.	...	...	...	..	...	...	1	...	...	..	...	...	1	
379, do.	1	..	9	...	1	...	2	...	3	...	...	..	16	
380, do.	...	...	2	...	7	...	2	...	...	...	...	...	11	
392, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
406, do.	...	...	...	...	...	...	2	...	...	...	...	...	2	
411, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
429, do.	...	...	...	...	..	...	1	...	...	...	...	...	1	
444, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
447, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
453, do.	...	...	1	...	...	...	...	...	...	...	...	...	1	
454, do.	1	...	...	...	...	...	...	...	...	...	...	...	1	
456, do.	1	...	...	...	...	...	...	...	...	...	...	...	1	
457, do.	...	...	...	...	2	...	1	...	1	...	...	...	4	
471, do.	...	...	...	...	2	...	...	...	...	...	...	...	2	
Offences under the Gambling Act, III of 1867.	...	...	2	...	...	...	1	...	...	...	...	...	3	
Offences under the Arms Act ...	...	...	...	...	...	...	1	...	...	...	...	...	1	
Total ...	4	...	25	...	25	...	23	...	6	...	3	...	86	

PART IV.

Statement showing relative number of times whipping was awarded as compared with other punishments in Lower Burma for the year 1892.

Punishments.	Number.	Remarks.
1	2	3
1. Total number of whippings awarded	2,164	
2. Total number of other punishments in cases in which whipping might have been awarded.	7,432	
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2).	9,596	
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3).	22·55	

JUDICIAL STATEMENT NO. 6 (CRIMINAL).

Showing the result of appeal and revision in Criminal cases in Lower Burma for the year 1892.

Class of tribunal.	NUMBER OF PERSONS.											Average number of days during which each appeal lasted.	Remarks.
	Total number of appellants and applicants for revision before the Courts.	Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals to—													
Chief Magistrates of districts	790	...	164	276	...	168	148	1	1	...	33	7	
Courts of Sessions	3,183	3	2,353	309	...	142	272	2	22	...	80	11	
Superior Courts { by persons convicted	706	...	342	154	...	82	85	...	10	...	33	22	
Superior Courts { by Government from judgments of acquittal ...	8	...	...	...	...	...	1	...	...	...	1	26	Six persons convicted.
Total ...	4,687	3	2,859	739	...	392	506	3	33	...	146	12	Six persons convicted.
Revision by—													
Chief Magistrates of districts	5,349	1	83	4,648	...	...	5	3	23	278	308	23	
Courts of Sessions	1,277	...	416	586	1	13	11	...	23	63	162	19	
Superior Courts	1,304	...	63	517	14	213	408	4	13	...	72	26	
Total ...	7,930	1	564	5,751	15	226	424	7	59	341	542	23	Six persons convicted.
GRAND TOTAL ...	12,617	4	3,423	6,490	15	618	930	10	92	341	688	17	

JUDICIAL STATEMENT NO. 13 (CRIMINAL).

Showing use of Jurors and Assessors in the Civil and Criminal Courts in Lower Burma for the year 1892.

Classes of Courts in which jurors or assessors are employed, distinguishing Criminal from Civil Courts.		Established or average number of jury or assessors in each case, and prescribed qualifications.	Number of cases tried by jury.	Number of cases tried with assessors.	Cases in which the Judge approved of the verdict.	JURY TRIALS.				ASSESSORS' TRIALS			Remarks.
						Cases in which the Judge did not approve of the verdict.		*Number of persons of the verdict in respect to whom the Judge disapproved.*		*Number of cases in which Judge agreed with assessors.*	*Number of cases in which Judge differed from*		
						Wholly.	Partially.	Whose cases he referred under section 307, C. P. Code.	Whose cases he did not refer under section 307, C. P. Code.		One assessor.	Both assessors.	
1		2	3	4	5	6	7	8	9	10	11	12	13
I.—Civil Courts.													
Chief Courts of districts (or officer specially empowered) acting under Act X of 1870.	Assessors ...	...	...	...	...	...	...	...	...	...	...	...	
II.—Criminal Courts.													
Magistrates' Courts under Chapter X. C. P. Code ...	Jurors	...	...	...		...	...	...	...	...	...	...	
Courts of Sessions	Jurors	5	86	...	86	...	...	...	...	...	...	...	
	Assessors ...	2		370	...	...	...	...	...	254	11	105	
High Court, Original Criminal Jurisdiction ...	Jurors	9	1	...	1	...	...	...	...	...	...	...	
	Total ...	16	87	370	87	...	...	...	...	254	11	105	

UPPER BURMA APPENDICES.

JUDICIAL STATEMENT NO. 1 (CRIMINAL).

Showing the number of Judicial divisions and the number of Officers exercising appellate or original jurisdiction in Upper Burma on the last day of the year 1892, with the cost of Tribunals.

Name of district.		Area in square miles.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION. Judges of Chief Court of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of districts other than Chief Courts.	Judges of other subordinate Courts.	TOTAL NUMBER OF CASES DECIDED. Original. Regular.	Original. Miscellaneous.	Appeals. Regular.	Appeals. Miscellaneous.	Total receipts of the Courts.	Total charges of the Courts.	Remarks,
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
																Rs. A. P.	Rs. A. P.	Grades of Judicial Officers.
Upper Burma. Territory subject to the High Court.	Civil ...	..	..	...	...			...	..	...		..	...	.	...	...		*Officers exercising both Original and Appellate Jurisdiction.*
	Criminal ...	83,473	3,063,426	4	17	51	1	4	17	48	138	14,060	499	97	1,993	1,45,823 4 4	4,24,014 9 10	Judicial Commissioner ... ...
																		Sessions Judges ... ...
																		Judge of Mandalay ... ...
	Revenue ...	...	...	...	...	...	...	...		...	...	...	...	...	...	...	...	District Magistrate ... ...
																		Assistant or Extra Assistant Commissioners with Appellate powers.
Territory not subject to the High Court.	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	*Officers exercising Original Jurisdiction only.*
	Criminal ...	...	...	...	...	...		...	...	...	...	...	...	...	...	...	...	Assistant Commissioners ... ...
																		Extra Assistant Commissioners ...
																		Myooks ... ...
																		Special Magistrates section 14, C. C. P. ...
																		Honorary Magistrates sitting singly ...
	Revenue ...	...		...	...	...	...	..	...	...	...	...	...	...	...	...	...	Benches of Honorary Magistrates ...
	Total ...	83,473	3,063,426	4	17	51	1	4	17	48	138	14,060	499	97	1,993	1,45,823 4 4	4,24,014 9 10	

Grades of Judicial Officers.	European.	Native.
Officers exercising both Original and Appellate Jurisdiction.		
Judicial Commissioner	1	...
Sessions Judges	4	...
Judge of Mandalay	...	...
District Magistrate	17	...
Assistant or Extra Assistant Commissioners with Appellate powers.	1	...
Officers exercising Original Jurisdiction only.		
Assistant Commissioners	20	...
Extra Assistant Commissioners ...	17	6
Myooks	21	117
Special Magistrates section 14, C. C. P. ...	4	..
Honorary Magistrates sitting singly ...	...	...
Benches of Honorary Magistrates ...	1	30

JUDICIAL STATEMENT NO. 2 (CRIMINAL).

Showing the number of offences reported and of persons tried, convicted, and acquitted of each class of offence in Upper Burma for the year 1892.

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	NUMBER OF PERSONS					Remarks.
				Under trial during the year including those pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to another province.	Remaining under trial.	
1	2	3	4	5	6	7	8	9	10
Offence of abetment, Chapter V	...	...	...	...	...	...	...	...	
Offences against the State, Chapter VI of the Indian Penal Code	16	16	18	27	5	17	2	3	
Offences relating to the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	
Offences against the public tranquillity, Chapter VIII	73	67	72	300	92	177	9	22	
Offences by or relating to public servants, Chapter IX	104	97	105	155	61	88	...	6	
Contempts of the lawful authority of public servants, Chapter X	107	104	103	180	56	117	...	7	
False evidence and offences against public justice, Chapter XI	298	284	301	414	160	236	2	16	
Offences relating to coin and Government stamps, Chapter XII	13	11	13	19	7	12	...	...	
Offences relating to weights and measures, Chapter XIII	5	5	4	7	2	5	...	...	
Offences affecting public health, safety, convenience, decency, &c., Chapter XIV	599	550	519	974	221	741	...	12	
Offences relating to religion, Chapter XV	16	15	12	26	11	15	...	...	
Offences affecting the human body, Chapter XVI. — Offences affecting life	114	105	112	143	72	55	3	13	
Offences affecting the human body, Chapter XVI. — Cause of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	6	6	6	8	3	5	...	...	
Offences affecting the human body, Chapter XVI. — Hurt	827	777	737	1,223	708	468	4	42	
Offences affecting the human body, Chapter XVI. — Wrongful restraint and wrongful confinement	79	72	69	120	70	46	...	4	
Offences affecting the human body, Chapter XVI. — Criminal force and assault	1,178	1,073	1,142	1,847	1,214	594	2	37	
Offences affecting the human body, Chapter XVI. — Kidnapping, forcible abduction, slavery, &c.	54	43	41	60	30	29	...	1	
Offences affecting the human body, Chapter XVI. — Rape	99	61	58	61	30	23	...	8	
Offences affecting the human body, Chapter XVI. — Unnatural offence	2	2	2	2	2	...	...	...	
Offences against property, Chapter XVII. — Theft	5,137	4,764	2,093	2,952	891	2,030	10	21	
Offences against property, Chapter XVII. — Extortion	76	63	57	99	52	43	1	3	
Offences against property, Chapter XVII. — Robbery and dacoity	336	290	225	477	167	291	...	19	
Offences against property, Chapter XVII. — Criminal misappropriation of property	133	127	123	178	62	106	...	10	
Offences against property, Chapter XVII. — Criminal breach of trust	340	317	285	328	166	144	3	15	
Offences against property, Chapter XVII. — Receiving of stolen property	145	144	152	273	100	167	...	6	
Offences against property, Chapter XVII. — Cheating	178	163	162	220	130	84	3	3	
Offences against property, Chapter XVII. — Fraudulent deeds and disposition of property	11	10	11	34	29	4	...	1	
Offences against property, Chapter XVII. — Mischief	387	356	343	612	418	190	...	4	
Offences against property, Chapter XVII. — Criminal trespass	1,091	993	806	1,417	936	426	1	54	
Offences relating to documents and to trade, &c., Chapter XVIII	13	13	14	17	11	6	...	...	
Criminal breach of contracts of service, Chapter XIX	13	12	10	10	9	1	...	...	
Offences relating to marriage, Chapter XX	95	84	75	92	72	16	1	3	
Defamation, Chapter XXI	79	69	74	87	64	20	...	3	
Criminal intimidation, insult, and annoyance, Chapter XXII	410	403	424	608	458	142	1	7	
Attempt to commit hurt, Chapter XXIII	...	...	...	...	...	...	...	...	
Offences under special and local laws	6,009	5,900	5,850	10,498	2,350	7,981	72	95	
Total ...	18,043	16,998	14,018	23,467	8,659	14,279	114	415	

JUDICIAL STATEMENT NO. 2A. (CRIMINAL).

Showing the general result of the trial of European British subjects in Upper Burma for the year 1892.

Description of offence.	NUMBER OF PERSONS ACCUSED AND BROUGHT BEFORE A MAGISTRATE.								PERSONS WHOSE CASES WERE DISPOSED OF														NUMBER OF CASES			Number of persons who appealed to the High Court for an order under section 436 of the Code.	Of those entered in column 5, number who applied under section 2, Act III of 1884, for transfer or committal of their cases.	Number of persons who applied to the High Court under section 526 of the Code for the transfer of their cases.	Subsidiary table.					
									BY DISTRICT MAGISTRATES AND OTHER 1ST CLASS MAGISTRATES.								BY COURTS OF SESSIONS.				BY HIGH COURT.			TOTAL FOR ALL COURTS.								
	Remaining at the close of the previous year.	Within the year.					Total.	Died, escaped, or transferred to other provinces.	Number actually brought to trial.	Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Committed		Transferred by order under section 451B of the Code.	Total, omitting entries in columns 10 and 15.	Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Transferred to High Court under section 449 of the Code.	Total, exclusive of column 17.	Convicted.	Acquitted.	Total.	Convicted.	Acquitted or discharged.	Total.	Number of persons under trial at the close of the year.	Brought to trial.	Disposed of.	Pending.					
		On complaint, section 191(a), Criminal Procedure Code.	On police report, section 191(b) of the Code.	By Magistrate *suo motu*, section 191(c).	On transfer from another province.							To Court of Sessions.	To High Court.																				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35		36	
																																		OF THE TOTAL NUMBER OF PERSONS SHOWN IN			
																																		Column 16.		Column 21.	Columns 21 and 24.	Disposed of by Magistrates.	Disposed of by Sessions Judges.	
																																		Number who claimed to be tried by a mixed jury, section 451A(1) of the Code.	Number who did not so claim.	Number of those in column 25, (1) whose cases were transferred under section 451B of the Code.	Number who claimed a mixed number of assessors section 451 (2) of the Code.	Number who did not so claim.	Number who claimed to be tried by a mixed jury, section 451 (1) of the Code.	Number who did not so claim.	Being European British subjects.	Other than European British subjects.	Being European British subjects.	Other than European British subjects.
																																		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Offences against the State, Chapter VI of the Indian Penal Code.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Offences relating to the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Offences against the public tranquillity, Chapter VIII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Offences by or relating to public servants, Chapter IX	...	2	1	...	...	3	...	3	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	1	...	1	...	1	1	...	...	...											
Contempts of the lawful authority of public servants, Chapter X.	...	2	...	...	...	2	...	2	...	...	2	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
False evidence and offences against public justice, Chapter XI.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Offences relating to coin and Government stamps, Chapter XII.	...	...	1	...	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	1	1	...	1	1	...	...	...											
Offences relating to weights and measures, Chapter XIII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Offences relating to religion, Chapter XV	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Offences affecting the human body, Chapter XVI. — Offences affecting life	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Hurt	...	7	...	...	...	7	...	7	...	7	...	...	...	2	5	...	...	...	...	...	...	...	...	7	...	7	...	7	7	...	1	...											
Wrongful restraint and wrongful confinement	...	1	...	...	...	1	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	1	...	1	...	1	1	...	...	...											
Criminal force and assault	...	6	...	...	...	6	...	6	...	4	2	...	...	...	6	...	...	...	...	...	...	...	...	4	2	6	...	6	6	...	...	...											
Kidnapping, forcible abduction, slavery, and forced labour.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Rape	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Unnatural offence	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Offences against property, Chapter XVII. — Theft	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Extortion	...	1	...	...	...	1	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	1	...	1	...	1	1	...	...	...											
Robbery and dacoity	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Criminal misappropriation of property	...	1	...	...	...	1	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	1	...	1	...	1	1	...	...	...											
Criminal breach of trust	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Receiving of stolen property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Cheating	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Fraudulent deeds and disposition of property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Mischief	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Criminal trespass	...	1	...	...	...	1	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	1	...	1	...	1	1	...	...	...											
Offences relating to documents and to trade or property-marks, Chapter XVIII.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Criminal breach of contracts of service, Chapter XIX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Offences relating to marriage, Chapter XX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Defamation, Chapter XXI	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...											
Criminal intimidation, insult, and annoyance, Chapter XXII.	...	1	...	...	...	1	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	1	...	1	...	1	1	...	...	...											
Offences under special and local laws	...	1	5	...	...	6	...	6	...	4	2	...	...	...	6	...	...	...	...	...	...	...	...	4	2	6	...	6	6	...	...	...											
Total	...	21	7	...	...	28	...	28	...	20	7	1	...	2	26	...	...	...	...	...	...	...	...	20	7	27	...	28	28	...	1	...		1	25	...	...	...	...	22	6	...	...

JUDICIAL STATEMENT No. 3 (CRIMINAL).

Showing miscellaneous proceedings under the Criminal Procedure Code in Upper Burma for the year 1892.

Name of proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1.—Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250	10	16	6	10	
2.—Proceedings against witnesses under Chapter VI	2	3	.....	3	
3.—Forfeiture of bail or recognizance under Chapters XXXIX and XLII	47	93	26	65	Two pending.
4.—Non-attendance of jurors or assessors under Chapter XXIII, section 332	.....	.....	.....	.....	
5.—Contempts of Court under Chapter XXXV	.....	.....	.....	.....	
6.—Proceedings under Chapter VIII to prevent breach of the peace	8	14	4	10	
7.—Security for good behaviour under Chapter VIII	335	349	122	219	Eight pending.
8.—Proceedings against local nuisance, Chapters X and XI	4	17	.....	5	Twelve pending.
9.—Possession, Chapters XII and XLVII	6	15	8	7	
10.—Maintenance, Chapter XXIII	418	418	167	224	Six pending and one transferred.
Total ...	830	925	353	543	Twenty-eight pending and one transferred.

JUDICIAL STATEMENT NO. 4 (CRIMINAL).

Showing the general result of Criminal trials in the Tribunals of various classes in Upper Burma for the year 1892.

Class of tribunal.	Total number of persons under trial.	Persons whose cases were disposed of.					Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	Remarks.
		Died, escaped, or transferred to another province.	Discharged or acquitted.	Convicted							
				On regular trial.	On summary trial.	Committed or referred.					
1	2	3	4	5	6	7	8	9	10	11	12
Village Officers	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates... Special Magistrates under section 14 ...	14	...	3	10	...	1	...	7	3·85	44	
Subordinate Magistrates... Honorary Magistrates sitting singly ...	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates... Stipendiary Magistrates sitting singly ...	19,344	103	7,539	10,206	856	304	336	10,651	7·34	29,586	
Subordinate Magistrates... Honorary Magistrates	2,553	2	563	24	1,951	1	12	2,262	1·55	2,006	
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	118	1	31	78	1	3	4	79	15·12	...	
Chief Magistrates of districts	1,554	8	441	780	114	162	49	863	14·67	4,512	
Courts of Sessions	355	...	81	245	...	15	14	163	33·80	979	
Superior Courts	15	...	1	14	...	...	...	15	18·73	...	
Total ...	23,953	114	8,659	11,357	2,922	486	415	14,060	7·26	37,127	

JUDICIAL STATEMENT NO. 5 (CRIMINAL).

Showing the punishments inflicted by the various Criminal Tribunals in Upper Burma for the year 1892.

Class of tribunal.	PERSONS SENTENCED TO										DETAIL OF PUNISHMENTS.																		
				IMPRISONMENT.							FINE.									IMPRISONMENT.					WHIPPED.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above seven years.	Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentences were commuted to detention in a reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. A. P.	Rs. A. P.	Rs. A. P									
Village Officers	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. Special Magistrates under section 14.	...	...	...	2	...	...	8	...	...	...	7	1	...	...	...	...	90 0 0	90 0 0	7 8 0	...	2	...	...	...	...	...	...	...
Subordinate Magistrates. Stipendiary Magistrates sitting singly.	...	...	...	2,505	141	5	7,993	667	215	76	5,035	2,548	312	96	2		1,35,931 10 2	1,10,601 3 10	8,277 6 11	290	1,781	647	4	...	172	304	191	...
Subordinate Magistrates. Honorary Magistrates ...	...	...	...	...	3	..	1,970	...	...	...	1,961	9	...	...	...	...	4,255 12 0	4,118 15 0	28 0 0	3	...	...	...	...	...	...	...	...
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	...	...	...	81	2	...	13	21	1	1	5	7	1	...	...	...	401 0 0	352 0 0	28 6 0	3	28	48	5	...	5	2	14	...
Chief Magistrates of Districts...	...	.	...	572	24	...	354	99	14	5	155	125	49	20	5	...	18,462 11 6	13,954 5 5	1,322 8 0	25	213	223	139	1	5	41	53	...
Courts of Sessions	...	82	...	164	1	8	16	23	...	...	.	2	11	1	2	...	3,090 0 0	...	..	...	6	15	138	6	...	...	23	2
Superior Courts	11	3	...		...	...	...	...	...	...	.	...	...	...	...	...		...	...	...	...	...		..	...	...	...	...
Total ...	11	85	...	3,324	171	13	10,354	810	230	82	7,163	2,692	373	117	9	...	1,62,231 1 8	1,29,116 8 3	9,663 12 11	321	2,030	933	296	7	182	347	281	2

JUDICIAL STATEMENT 5-A (CRIMINAL).

PART I.

Showing whippings inflicted under sections 2 and 3, Act VI of 1864, and under section 7 (1) (c) of the Upper Burma Laws Act, 1886, in lieu of other punishments in Upper Burma for the year 1892.

Section of Indian Penal Code.	Offence for which awaded.	Number of stripes awarded.													
		5 and under		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		Total.	Remarks.
		First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
	IN LIEU OF OTHER PUNISHMENTS.														
	Sections 2 and 3, Act VI of 1864.														
379	Theft	2	...	4	1	20	...	22	...	6	1	21	3	80	
380		15	4	92	1	78	10	140	11	37	2	72	8	470	
381		1	...	...	...	...	...	...	...	...	...	1	...	2	
382		14	...	...	...	...	...	2	...	...	...	...	...	16	
388	Extortion	...	...	...	...	...	...	...	...	...	...	...	...	...	
389		...	...	...	...	1	...	...	...	...	...	2	...	3	
411	Dishonestly receiving stolen property	...	...	7	...	2	...	2	...	2	...	6	...	19	
412		...	...	...	1	...	...	...	...	...	...	1	...	2	
454	Lurking house-trespass	...	...	1	...	1	...	...	...	...	...	...	1	3	
	Lurking house-trespass by night	...	...	...	...	...	...	...	...	...	...	...	...	...	
457	Offence under section 14, Act III of 1880	...	...	...	...	1	...	2	...	...	...	1	...	4	
	Section 7 (1) (c) of the Upper Burma Laws Act, 1886.														
302	Murder	...	...	...	...	...	...	...	...	...	...	...	...	...	
304	Culpable homicide not amounting to murder	...	...	1	...	...	...	...	...	...	...	...	...	1	
307	Attempt to murder	...	...	...	...	...	...	...	...	...	...	...	...	...	
325	Voluntarily causing grievous hurt	...	...	...	...	...	...	...	...	...	...	...	...	...	
326		...	...	...	...	...	...	...	...	...	...	...	...	...	
327		...	...	...	...	...	...	1	...	...	...	...	...	1	
329		...	...	...	...	...	...	...	...	...	...	...	...	...	
333		...	...	...	...	...	...	...	...	...	...	...	...	...	
382	Theft, preparation having been made for causing hurt, &c.	...	...	...	...	...	...	...	...	...	...	...	...	...	
386	Extortion	...	...	...	...	...	...	...	...	...	...	...	...	...	
387															
392	Robbery and dacoity	...	...	1	...	...	...	1	...	...	...	...	...	2	
393		...	...	...	...	...	...	...	...	...	...	...	...	...	
394		...	...	...	...	...	...	...	...	...	...	...	...	...	
395		...	...	...	...	2	...	...	...	1	...	...	...	3	
396		...	...	...	...	...	...	...	...	...	...	...	...	...	
397		...	...	...	...	...	...	1	...	...	...	3	...	4	
398		...	...	...	...	...	...	...	...	...	...	...	...	...	
399		...	...	...	...	...	...	...	...	...	...	...	...	...	
400		...	...	...	...	...	...	...	...	...	...	...	...	...	
401		...	...	1	...	...	...	...	...	...	...	1	...	2	
402		...	...	...	...	...	...	...	...	...	...	...	...	...	
412	Dishonestly receiving stolen property knowing that it was obtained by dacoity.	...	...	...	...	1	...	2	...	...	...	...	...	3	
435	Mischief by fire, &c.	...	...	...	...	...	...	...	...	...	...	3	...	3	
436															
440	Mischief committed after preparation made for causing death or hurt, &c.	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Section 49, Prisons Act.														
455	Lurking house-trespass and housebreaking	...	...	...	...	...	...	...	...	...	...	2	...	2	
456		...	...	...	...	...	...	...	...	...	...	...	...	...	
459		...	...	...	...	...	...	...	...	...	...	4	...	4	
460		...	...	...	...	...	...	...	...	...	...	...	...	...	
506	Criminal intimidation, if threat be to cause death or grievous hurt, &c.	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Abetment of any of the foregoing offences	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Attempt to commit any of those which are not themselves expressed to be attempts to commit offences.	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Excise Act	...	...	...	...	...	...	...	...	...	...	...	...	...	
193	Giving false evidence	...	...	...	...	...	...	...	...	...	...	4	...	4	
	Total	32	4	107	3	106	10	173	11	46	3	122	12	629	

PART II.

Statement showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864, and section 7 (1) (c) of the Upper Burma Laws Act, 1886, in Upper Burma for the year 1892.

Section of Indian Penal Code.	Offence for which awarded.	Number of stripes.						Total.	Remarks.
		5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.		
1	2	3	4	5	6	7	8	9	10
	Section 3, Act VI of 1864.								
379	Theft	...	6	2	5	1	11	25	
380		...	4	4	8	2	41	59	
381		...	...	...	...	...	2	2	
382		2	2	...	...	...	...	4	
388	Extortion	...	1	...	1	...	...	2	
389		...	...	...	1	...	...	1	
411	Dishonestly receiving stolen property	...	...	...	5	...	4	9	
412		...	...	...	...	...	...	...	
454	Lurking house-trespass	...	...	...	...	...	...	...	
457	Lurking house-trespass by night, offence under section 14, Act III of 1880.	...	...	...	1	...	...	1	
	Section 4, Act VI of 1864.								
193	Giving or fabricating false evidence	...	...	...	...	...	...	...	
194		...	...	...	...	...	...	...	
195		...	...	...	...	...	...	...	
211	False charge of unnatural offence	...	...	...	...	...	...	...	
377		...	...	...	...	...	...	...	
354	Assault	...	...	...	1	...	...	1	
375	Rape	...	...	...	...	...	...	...	
377	Unnatural offence	...	...	...	...	...	...	...	
392	Robbery and dacoity	..	...	...	...	...	5	5	
393		...	...	...	...	...	...	...	
394		...	...	...	...	...	...	...	
395		...	...	...	5	...	12	17	
396		...	...	...	...	...	...	...	
397		...	...	...	...	...	9	9	
398		...	...	...	...	...	...	...	
399		...	...	...	...	...	...	...	
400		...	...	...	...	...	...	...	
401		...	...	...	...	...	...	...	
402		...	...	...	...	...	2	2	
413	Receiving stolen property	...	...	...	1	...	1	2	
465	Forgery	...	...	...	...	...	...	...	
466		...	...	...	...	...	...	...	
467		...	...	...	...	...	...	...	
468		...	...	...	...	...	...	...	
469		...	...	...	...	...	...	...	
454	Lurking house-trespass, &c.	...	...	...	...	...	...	...	
455		...	...	...	...	...	...	...	
457		...	...	...	...	...	...	...	
458		...	...	...	...	...	...	...	
	Section 7 (1) (c) of the Upper Burma Laws Act, 1886.								
302	Murder	...	...	...	...	...	...	...	
304	Culpable homicide not amounting to murder	...	...	...	...	...	...	...	
307	Attempt to murder	...	...	...	...	...	...	...	
325	Voluntarily causing hurt	...	...	...	...	...	...	...	
326		...	...	...	...	...	3	3	
327		...	...	...	...	...	...	...	
329		...	...	...	...	...	...	...	
333		...	...	...	...	...	...	...	
382	Theft	...	...	...	...	...	...	...	
386	Extortion	...	...	...	...	...	...	...	
387		...	...	...	...	...	...	...	
392	Robbery and dacoity	...	...	...	...	...	...	...	
393		...	...	...	...	...	...	...	
394		...	...	...	...	...	2	2	
395		...	...	...	...	...	...	...	
396		...	...	...	...	...	...	...	
397		...	...	...	...	...	...	...	
398		...	...	...	...	...	...	...	
399		...	...	...	...	...	...	...	
400		...	...	...	...	...	...	...	
401		...	...	...	...	...	...	...	
402		...	...	...	...	...	...	...	
412	Dishonestly receiving stolen property	...	...	...	...	...	...	...	
435	Mischief by fire, &c.	...	...	...	...	...	...	...	
436		...	...	...	...	...	...	...	
440	Mischief committed after preparation made for causing death or hurt, &c.	...	...	...	...	...	...	...	
455	Lurking house-trespass	...	...	...	...	...	...	...	
456		...	...	...	...	...	...	...	
459		...	...	...	...	...	...	...	
460		...	...	...	...	...	...	...	
506	Criminal intimidation if threat be to cause death or grievous hurt.	...	...	...	...	...	...	...	
	Total	2	13	6	28	3	92	144	

PART III.

Statement showing whippings inflicted under section 5, Act VI of 1864, on Juveniles for offences other than those specified in Parts I and II, Upper Burma, for the year 1892.

Offence.	Stripes.												Total.	Remarks.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Section 379, I. P. C.	...	...	4	...	1	...	1	...	1	1	1	...	9	
Do. 380, do.	...	...	13	...	4	...	4	...	...	...	...	...	21	
Do 381 do.	1	...	1	...	...	...	...	...	...	...	...	...	2	
Do. 403, do.	...	...	...	...	...	...	1	...	...	...	...	...	1	
Do 414 do.	...	...	...	...	1	...	..	...	...	...	...	...	1	
Do 431, do.	...	...	1	...	...	...	...	...	...	...	...	...	1	
Do. 454 do.	1	...	...	...	...	...	...	...	...	...	...	...	1	
Do. 497, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
Total ...	2	...	19	...	7	...	6	...	1	1	1	...	37	

PART IV.

Statement showing the number of times whipping was awarded as compared with other punishments in Upper Burma for the year 1892.

Punishment.	Number.	Remarks.
1	2	3
1. Total number of whippings awarded	810	
2. Total number of other punishments in cases in which whipping might have been awarded.	2,701	
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2).	3,511	
Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3).	23·07	

JUDICIAL STATEMENT NO. 6 (CRIMINAL).

Showing the result of appeal and revision in Criminal cases in Upper Burma for the year 1892.

Class of tribunal.	NUMBER OF PERSONS.											Average number of days during which each appeal lasted.	Remarks.
	Total number of appellants and applicants for revision before the Courts.	Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals.													
To Chief Magistrates of districts	128	...	21	47	...	24	33	...	2	1		10	
To Courts of Session	643	..	209	259	...	60	67	...	5	2	21	11	
To Superior Courts ... By persons convicted ...	217 (*a*)	...	119	46	1	17	21	...	4	...	...	14	
To Superior Courts ... By Government from judgment of acquittal	4 (*b*)	...	...	...	..	...	...		..	..	..		
Total ...	992	...	349	352	1	101	141	...	11	3	21	11	
Revisions.													
By Chief Magistrates of districts	4,431	7	4	3,527	24	148	255	29	66	133	238	19	
By Courts of Sessions	1,142	...	551	355	...	...	...	...	1	198	37	20	
By Superior Courts	3,100	...	...	2,078	9	291	212	8	48	146	308	49	
Total ...	8,673	7	555	5,960	33	439	467	37	115	477	583	31	
GRAND TOTAL ...	9,665	7	904	6,312	34	540	608	37	126	480	604	28	

(*a*) Three referred to local Government; two committal ordered; four transferred to Judicial Commissioner's Court, Lower Burma. | (*b*) Convicted and sentenced.

G. B. C. P. O.—No. 2865, B. S., 13-9-93—400.